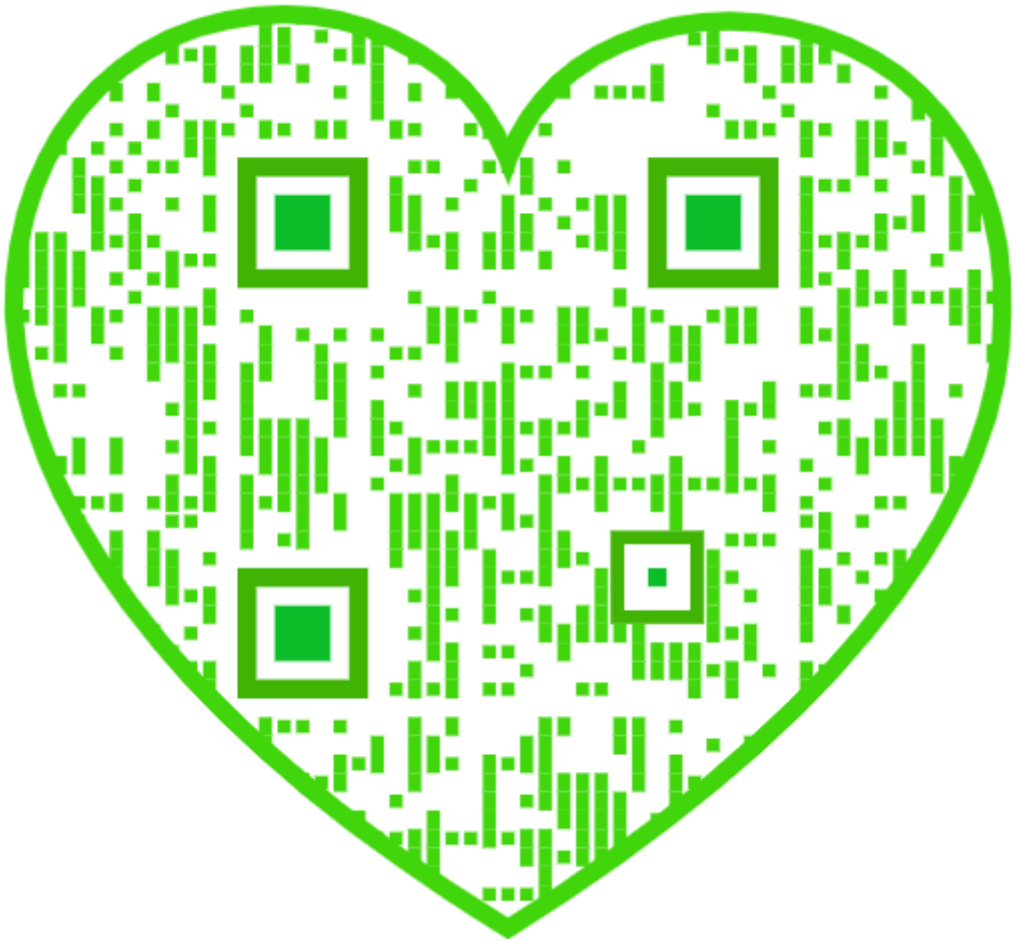

AN INTRODUCTION TO POLITICAL PARTIES AND PRACTICAL POLITICS

BY

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NEW AND REVISED EDITION

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To
MY FATHER

PREFACE

THIS book has a very modest purpose. As the title states, it is designed as an *Introduction* to the study of political parties and practical politics. It is primarily intended to serve as a text-book. Therefore, no attempt has been made to make it encyclopædic in scope or exhaustive in its treatment of topics. Suggestiveness and condensation have been kept constantly in mind during its preparation. A fuller treatment of a few topics has seemed wise on account of their importance or the nature of the materials available for student use. Somewhat extended lists of references are to be found at the ends of chapters, together with suggested questions and topics. These may be used in different ways: as the basis for collateral reading, for reports before the class; or, where a large library is not at hand, they may be made the basis of a series of lectures and informal discussions. It is believed that the plan of the work is sufficiently elastic to be adaptable to both large and small classes in both large and small institutions. The plan is the outgrowth of several years' experience in conducting large classes having access to a comparatively small library.

One of the most hopeful signs in American politics is the increasing prominence which the study of political parties and practical, as distinguished from theoretical, politics has come to occupy in college and university curricula. If this text-book succeeds in introducing more college men and women to wider knowledge of politics and political parties, both past and present, resulting in greater interest and more intelligent activity in the political life of their own communities, its chief purpose will be accomplished.

I desire to express appreciation for courtesies extended to me in the preparation of this book by Professor John C. Kennedy of the University of Chicago; Mr. J. Mahlon Barnes, National Secretary of the Socialist Party; Mr. Elliot H. Goodwin, Secretary of the National Civil Service Reform League; Hon. John C. Black, Chairman of the United States Civil Service Commission; Cyrus D. Foss, Esq., Secretary of the Civil Service Reform Association of Pennsylvania; Miss Marion C. Nichols, Secretary of the Woman's Auxiliary of the Massachusetts Civil Service Reform Association; Hon. John T. Dooling, President of the New York Board of Elections; Mr. John Boyle, Jr., Secretary of the New York Republican County Committee; Mr. Charles F. Murphy, Head of the Tammany Organization in New York City; Mr. Harry Nittig, Chief Clerk of the Republican Central Campaign Committee of the City and County of Philadelphia; Roger Sherman Hoar, Esq.,

Concord, Mass.; Charles J. Russell, Esq., County Clerk of Chittenden County, Vermont; Mr. Urey Woodson, Secretary of the Democratic National Committee; Mr. William Haywood, Secretary of the Republican National Committee; Hon. William B. McKinley, Chairman of the Republican Congressional Campaign Committee, 1910; Mr. Richard S. Childs, Secretary of the Short Ballot Organization; Hon. William M. Olin, Secretary of State, Massachusetts; Hon. C. F. Curry, Secretary of State, California; Hon. H. C. Crawford, Secretary of State, Florida; Hon. Frank H. Hitchcock, ex-Postmaster-General; and to the staff of the Carnegie Library of The Pennsylvania State College.

To Dean Willard E. Hotchkiss, of Northwestern University; to my former colleagues, Mr. Edwin Angell Cottrell, now of Harvard University, and Mr. Theodore Calvin Pease, now of the University of Chicago, I am indebted for reading the manuscript in whole or in part and for many valuable criticisms and suggestions. To my wife I am under deep obligation for valuable assistance in proof-reading.

P. Orman Ray.

State College, Pa.
April, 1913.

PREFACE TO THE SECOND EDITION

In the new and revised edition an effort has been made to eliminate the errors which appeared in the first edition and to bring the treatment of the various topics covered in the earlier edition down to date. New material has also been added relating to the defects of the national nominating convention, the presidential preference primary, the organization of women voters and woman suffrage, absent-voters laws, preferential voting, and other topics. The bibliographies have also been enlarged and brought down to date.

I am especially indebted to Dr. Edwin P. Kilroe for calling my attention to misstatements of fact in the description of the Tammany organization appearing in the first edition. Dr. Kilroe, who is chairman of the Nineteenth Assembly District General Committee of the Tammany organization, has placed in my hands materials from which I have been able to write an entirely new and substantially correct description of the Tammany machine as it exists at the present time. Dr. Kilroe has also been so kind as to read and revise this description in manuscript.

P. Orman Ray.

Evanston
May, 1917

CONTENTS

PART I—PRESENT-DAY NATIONAL PARTIES

CHAPTER		PAGE
I.	Characteristics and Definition of a Political Party	3
II.	The Party Platform. Democratic and Republican Platforms of 1916 . . .	16
III.	"Third" Parties. The National Progressive Party and Its Platform of 1912. The Socialist Party and Its Platform of 1916	65

PART II—NOMINATING METHODS

IV.	Nominations for Local Offices. The Caucus or Primary	109
V.	Nominations for County and State Offices. The Convention System. Its Evils and the Remedies Proposed .	124
VI.	Nominations by Direct Primary Election .	140
VII.	Nomination of Representatives and Senators in Congress. Popular Election of Senators. Presidential Electors	165
VIII.	Nomination of President and Vice-President. The National Convention. The Presidential Preference Primary	190

PART III—CAMPAIGNS AND ELECTIONS

CHAPTER		PAGE
IX.	Party Machinery. National, State, and Local Committees. Organizations of Women Voters	230
X.	Campaign Methods	255
XI.	Party Finance. Revenues. Legitimate and Illegitimate Expenditures. Corrupt Practices Acts and Other Remedial Legislation. Publicity Laws	268
XII.	Suffrage Qualifications. "Grandfather" Clauses. Woman Suffrage . . .	298
XIII.	Election Laws. Different Types of Ballot. The Short Ballot Movement. Preferential Voting. Absent-Voters Laws	322

PART IV—THE PARTY IN POWER

XIV.	The Spoils System. Its Origin and Development. Evils of the System .	367
XV.	Civil Service Reform. History of the Movement. The Civil Service Act of 1883. Economies and Political Benefits of the Competitive System . .	393
XVI.	Machines and Bosses. The Tammany Organization. Conditions Producing and Perpetuating Machines and Bosses. The Two in Joint Operation. Remedies	433
XVII.	Responsibility of Public Officers. Their Removal by Impeachment and the Recall. The "Recall of Judicial Decisions"	482

CHAPTER PAGE

XVIII. Practical Politics in Legislative Bodies. The Character and Qualifications of Members. The Speakership and the Committee System. Special and "Ripper" Legislation. Methods of Procedure 511

XIX. Practical Politics in Legislative Bodies (concluded). Factors Influencing Legislation. The Speaker. Executive Influence. Partisan Considerations. Gerrymanders. Lobbying. Log-Rolling and Bribery 537

XX. Remedies for Legislative Evils. Immunity Laws. Anti-Lobbying Laws. Legislative Reference Libraries. Voters' Leagues. The Initiative and Referendum 570

Appendix. Republican and Democratic Platforms of 1920 613

Index 661

KEY TO ABBREVIATIONS

Acad. Pol. Sci., for Academy of Political Science.

Am. Hist. Assn., for American Historical Association.

Am. Hist. Rev., for *American Historical Review.*

Am. Jour. Soc., for *American Journal of Sociology.*

Am. Pol. Sci. Assn., for American Political Science Association.

Am. Pol. Sci. Rev., for *American Political Science Review.*

Annals, for Annals of the American Academy of Political and Social Science.

Beard, for C. A. Beard's *American Government and Politics.*

Bryce, for James Bryce's *The American Commonwealth.*

Cycl. Am. Govt., for McLaughlin and Hart's *Cyclopedia of American Government.* 3 vols.

Jour. Pol. Econ., for *Journal of Political Economy.*

Lalor, for J. J. Lalor's *Cyclopædia of Political Science, etc.*

Nat. Mun. Rev., for *National Municipal Review.*

Nat. Mun. League, for National Municipal League.

No. Am. Rev., for *North American Review.*

Ostrogorski, for M. Ostrogorski's *Democracy and the Party System.*

Ostrogorski II, for M. Ostrogorski's *Democracy and the Organization of Political Parties*, vol. II.

Pol. Sci. Quar., for *Political Science Quarterly.*

Pop. Sci. Mo., for *Popular Science Monthly.*

Reinsch, for P. S. Reinsch's *American Legislatures and Legislative Methods.*

Rev. of Rev., for *Review of Reviews.*

Rhodes, for J. F. Rhodes's *History of the United States from the Compromise of 1850.*

AN INTRODUCTION TO POLITICAL PARTIES AND PRACTICAL POLITICS

PART ONE

PRESENT-DAY NATIONAL PARTIES

CHAPTER I

CHARACTERISTICS AND DEFINITION OF A POLITICAL PARTY

A political party is more easily described than defined. A brief review of its essential characteristics will aid materially in reaching a satisfactory definition.

A political party is an organization

(1) A political party is an *organization*. If every citizen acted upon political questions as a dissociated atom there could be no political parties. There must be co-operation, unification, and subordination of the different elements composing the party; and this means organization. "There must be drilling and training, hard work with the awkward squad, and an occasional dress parade. This work requires the labor of many men: there must be captains of hundreds and captains of tens, district chiefs and ward heelers. . . ." [1] The degree of organization and its character vary with the circumstances which evoke the party and keep it in existence. At the present time, for party success a high degree of organization is indispensable in national, State, and municipal politics. The failure, or early subsidence, of many reform

[1] C. R. Fish, *Civil Service and the Patronage*, 156.

movements in politics may be explained by the absence of adequate organization. As a general rule, those parties are most successful in which the element of organization is most highly developed.

The main objects of party organization are to promote harmony and prevent dissensions within the party; to enlist new voters, especially naturalized foreigners and young men who have just reached the voting age; to promote enthusiasm by speeches or literature, by the sympathy of numbers and the sense of a common purpose; to impart instruction to the voters concerning political issues, the virtues of their own leaders, and the mistakes of their opponents; and, finally, to select the party candidates for public offices and to secure their election or appointment.[1]

Degree of permanence necessary to party

(2) The organization must possess a degree of *durability*, or permanence, in order properly to perform its functions. The party doctrines or principles and policies have to be propagated; its candidates for office have to be selected and their election secured; its principles and policies must be incorporated in the legislative or administrative policy of the country or State; these achievements must be guarded and defended until their utility is fully proved and accepted. All this requires an extended period of time; hence the element of durability is essential.[2]

A party consists of varying groups of individuals

(3) A party consists of individuals, or *groups of individuals*, fluctuating in personnel and numbers. With this characteristic is involved the opportunity for the development of sharp differences of opinion

[1] James Bryce, *The American Commonwealth*, II, 77 (4th edition).
[2] See F. J. Goodnow, *Politics and Administration*, 105–110.

between different groups over questions of party policy and party management. The older the party, the larger its membership, the wider the area over which its organization extends, the greater becomes the possibility of serious consequences flowing from these differences. Geographical sections, rival leaders with strong personal followings, as well as opposing economic interests, contend within every great party at one time or another for control of the party organization and the right to formulate its policies. Much of the time, energy, and resourcefulness of party managers is employed in smoothing out these differences within the party and establishing harmony. When their efforts fail the differences often become acute and result in the formation of bitterly hostile groups. We then have what are called party "factions." It is also common to speak of this situation as a "split" in the party. Serious factional disturbances are peculiarly liable to develop within a party which has long been in office, and when there is no formidable party to oppose it.

The prolonged existence of irreconcilable factions is almost certain to lead to disruption of the party. The faction not in control of the party machinery secedes permanently, and either unites with some other party or seeks to establish a new party. At other times the secession of a faction is due to dissatisfaction over some specific policy indorsed or rejected by the dominant group in the party. Such a secession is intended only as a means of weakening the party temporarily, in the hope of thus punishing it for noncompliance with the behests of the seceding faction.

Having accomplished this, the seceders usually return to their party allegiance. Such seceders are frequently called "bolters," and they are said to have "bolted" the party convention or the party ticket. By way of distinction, the term "regular" is usually applied to the faction still in control of the party organization and using the party name.

A party is united by common principles or policies

Recently the terms "insurgent" and "progressive" have entered our political vocabulary. They are applied most frequently to a group within the Republican party seeking the overthrow of certain of the old party leaders who are regarded as ultra-conservative or reactionary, the "stand-patters." Their deposition is desired in order to commit the party to certain more "progressive" or radical policies, which are opposed, or only half-heartedly indorsed, by the old leaders.

(4) The members of a party are united by common *principles* or a common *policy*. The principles of a party are its durable convictions as to what the state should be and do. Party principles may be distinguished from party policies. The policy of a party comprehends all that the party does in order to establish its principles. "Principles are disclosed in the end which is sought; policy is the means employed for the attainment of that end." [1] Policy, therefore, includes the whole of a party's conduct.

The principles of a party are apt to be most conspicuous in its early or formative period. In its later history policies are likely to overshadow principles. Both the principles and the policies of a party are subject to change: to-day they may be quite differ-

[1] A. D. Morse, in *Pol. Sci. Quar.*, XI, 68 (1896)

ent from what they were a generation ago. Of the two, policies are far more susceptible to changes than are the principles upon which the party organization has been erected. This is due to the varying exigencies of the party and the appearance of new problems respecting which the party must define its position.

Not only may a party modify both its principles and its policies, but it may even cease to have either and yet continue to exist for a considerable period. Not infrequently the party organization and name endure after the principal purpose of the party has been accomplished or abandoned. "Parties, although formed to secure certain ends, get to be ends in and of themselves. Party allegiance gets to replace, as a primary motive of conduct, adherence to political principles. The perpetuation of the party often appears more important than the ends for whose attainment the party itself originally was formed."[1] A party may hold together "long after its moral life is extinct. . . . Parties go on contending because their members have formed habits of joint action, and have contracted hatreds and prejudices, and also because the leaders find their advantage in using these habits and playing on these prejudices. The American parties now continue to exist because they have existed. The mill has been constructed and its machinery goes on turning even when there is no grist to grind."[2] History proves, however, that parties in such condition are moribund and that their early demise may safely be predicted.

[1] Goodnow, *Politics and Administration*, 150.
[2] Bryce, II, 24 (4th edition).

It is more or less tacitly assumed by political parties that the principles and policies which they respectively advocate would, if accepted by the electorate and put into operation, make for the greatest happiness of the greatest number. The adoption of the principles of my party and the rejection of the principles of your party, it is assumed, will inure to the greater welfare of the state. Principles and policies are likely to receive more conscientious attention from the conspicuous national leaders of the party, its statesmen, and to be much more influential in determining their public conduct than is true in the case of the rank and file of party members and managers.

Parties seek to control the government

(5) The immediate end sought by a political party is the control of the government through the carrying of elections and the possession of office. This object of party activity is uppermost in the thought of the average party worker and manager; to achieve this is the ambition of every politician. In bending his energies to the accomplishment of this result, principles and policies are quite lost to sight or forgotten. For this the party worker should not be too severely condemned. Few, indeed, of the so-called intelligent citizens, who would not stoop to engage in "practical" politics, when asked to state the principles or policies of their party, are able to give a satisfactory reply. Party enthusiasm over principles is manifested occasionally, but as a rule the party organization, and especially the immediate circle of party managers, look upon the acquisition and control of offices as of prime importance. And

this is by no means to be wholly deplored or reprobated; for the control of the government through elections and offices affords practically the only opportunity by which a party may exemplify its principles and apply its policies in the administration of public affairs. It is, therefore, essential that a party should devote a large part of its energy to this too-often-despised work of "practical" politics.

Definition of party

Having thus briefly reviewed the essential characteristics of political parties, we are in a position to formulate the following working definition: a political party is a durable organization of individuals, or groups of individuals, fluctuating in personnel and numbers, united by common principles or a common policy, and having for its immediate end the control of the government through the carrying of elections and the possession of office.[1]

Parties exist under all democratic governments

Political parties exist under all forms of popular government. Wherever the people are endeavoring to govern themselves, they divide according to their views on public measures, and out of these differences of opinion political parties arise. "Those of the same opinion associate with others like-minded, and the existence of political parties thus becomes the outgrowth of free speech and a free government." Political parties are in some degree an index of the political capacity and genius of a nation. Wherever an active life of the people and of the state has been developed,

[1] A. D. Morse, *op. cit.* The following is also a good definition of a political party: "A political party is an association of voters believing in certain principles of government, formed to urge the adoption and execution of such principles in governmental affairs through officers of like beliefs." See *Am. Pol. Sci. Rev.*, X, 367 (1916).

political parties have sprung into existence. The most gifted and freest nations politically are those that have the most sharply defined parties.[1] Nothing is greater proof of American political capacity than the organization of two competing parties to manage a government strikingly ill-adapted to the party régime.[2] Wherever political parties are non-existent, one finds either a passive indifference to all public concerns, born of ignorance and incapacity, or else one finds the presence of a tyrannical and despotic form of government, suppressing the common manifestations of opinion and aspiration on the part of the people. Organized, drilled, and disciplined parties are the only means we have yet discovered by which to secure responsible government and thus to execute the will of the people. Little glory will therefore accrue to the statesman who stands aloof from party, and condemnation should be meted out to that numerous class of citizens who, for one reason or another, or for no reason at all, neglect to take an active part or to feel a deep interest in party politics.

In the United States parties are indispensable

Political parties, while responsible for much evil, are powerful forces for good in a democracy. They educate and organize public opinion by keeping the people fully informed in regard to public matters; by discussing, freely and thoroughly, every public question in the presence of the people; by discussing these questions in the light of great principles of government; and by securing not only discussion before the people but discussion by the people.[3] In the United

[1] J. C. Bluntschli, in Lalor, III, 95.
[2] A. C. McLaughlin, in *Atlantic Monthly*, CI, 145 (1908).
[3] A. D. Morse, in *Annals*, II, 300 (1891–92).

States parties have become so indispensable that we cannot conceive of the possibility of getting along without them. They have breathed the breath of life into the inert governmental organism created in 1787. They have furnished both the motive power and the lubricant for the continuous and successful operation of the governmental machine which the Constitution merely describes.[1] "It is easier to imagine the demolition of any part of our constitutional organization, the submersion of a large part of what the Constitution describes, than to imagine our getting on without political combinations; they are our vital institutions; they abide in the innermost spirit of the people." [2] Indeed, the most complete revolution in our political system has not been brought about by amendments or by statutes, but by the customs of political parties in operating the machinery of the government.[3]

Until recently they have developed as *extra-legal* institutions

Yet vital as political parties are to the successful working of our system of government, they have grown up to maturity and power much as the English cabinet has developed—as extra-legal institutions wholly unknown to or ignored by the law. Only within the past few years have statutes distinctly recognized the existence of parties and attempted to regulate their activities. Such enactments constitute a tardy acceptance of the fact that parties and party

[1] ". . . Party association and organization are to the organs of government almost what the motor nerves are to the muscles, sinews, and bones of the human body. They transmit the motive power, they determine the directions in which the organs act." Bryce, II, 3 (4th edition). See also Goodnow, *Politics and Administration*, 133–137, 145, 147.

[2] A. C. McLaughlin, *op. cit.*

[3] Beard, 74.

mechanism have become institutions which perform very important functions in the conduct of government and are therefore to be taken seriously and regarded as worthy of careful study. The problem of self-government now is the problem of controlling these institutions which, in fact, manage the government.

QUESTIONS AND TOPICS

1. Collect, compare, and criticise the different definitions of a political party.

2. How did the framers of the Constitution, especially Washington, regard political parties? (See *The Federalist* and Washington's "Farewell Address.")

3. In what sense is the statement true that, in its actual operation, our Federal Government is "more democratic than the Constitution"?

4. An account of any recent factional party struggle in your own State. (Consult newspaper files and indexes to current literature.)

5. Give specific illustrations of how geographical sections, rival leaders, and conflicting economic interests have divided both the Republican and Democratic parties in the last decade.

6. The Free Silver movement within the Democratic and Republican parties, 1890–96.

7. The "Insurgent," or "Progressive," movement in the Republican party.

8. The political party as a nationalizing influence. (See Johnson, Wilson.)

9. Give a summary of the attempts to subject political parties to legal control. (See Beard.)

10. Explain how the traditional political theory respecting the independence of the three departments of the Federal Government has been transformed in actual practice by the development of political parties. (See Beard, Bryce, Goodnow.)

11. A brief description of political parties in each of the

following countries: England, France, the German Empire, Japan, Canada, and Australia.

12. Is sectionalism disappearing from American politics? (See Robinson, Turner.)

BIBLIOGRAPHY

Abbott, E. H., "The New Era in Congress," in *Outlook* XCIV, 289 (1910). On the Republican "Insurgents."

Beard, C. A., *American Government and Politics* (1910), ch. 6.

—— *Readings in American Government and Politics*, ch. 6.

Bradford, Gamaliel, *The Lesson of Popular Government*, I, ch. 21.

Bryce, James, *The American Commonwealth* (4th edition, 1910), II, chs. 53–54.

Clement, E. W., "Political Parties in Japan," in *Pol. Sci. Quar.*, XXVI, 669 (1912).

Croly, Herbert, "Democratic Factions and Insurgent Republicans," in *No. Am. Rev.*, CXCI, 626 (1910).

Dolliver, J. P., "The Forward Movement in the Republican Party," in *Outlook*, XCVI, 161 (1910).

Eaton, D. B., "Political Parties and Independents," in *No. Am. Rev.*, CXLIV, 549 (1887).

Ford, H. J., *The Rise and Growth of American Politics* (1898).

Goodnow, F. J., *Politics and Administration* (1900).

Hollingsworth, C. M., "The So-Called Progressive Movement: Its Real Nature, Causes, and Significance," in *Annals*, XLIII, 32 (1912).

Johnson, Allen, "The Nationalizing Influence of Party," in *Yale Review*, XV, 283 (1906–7).

Kirevan, J. W., "The Australian Labor Party," in *Nineteenth Century*, LVIII, 827 (1905).

Lalor, J. J. (editor), *Cyclopædia of Political Science*, etc., III, "Political Parties."

Lecky, W. E. H., *History of England in the Eighteenth Century*, I, 513–5, quoted in Woodburn.

Library of Congress, *List of Works Relating to Political Parties in the United States* (1907).

Lowell, A. L., "The Influence of Party upon Legislation in England and America," in Am. Hist. Assn. *Report*, I, 319 (1901).

Lowell, A. L., *The Government of England*, I, chs. 24–30; II, chs. 31–37.

—— *Government and Parties in Continental Europe*, 2 vols.

MacAdam, H., "The Insurgents," in *Everybody's*, XXVI, 770 (1912).

McLaughlin, A. C., "The Significance of Political Parties," in *Atlantic Monthly*, CI, 145 (1908).

McLaughlin & Hart, *Cyclopedia of American Government* (1914), II, 626, "Party Government, Comparative"; 628, "Party Government in Great Britain"; 640, "Party, Place and Significance of"; 646, "Party System in Europe."

Morse, A. D., "The Place of Party in the Political System," in *Annals*, II, 300 (1891–2).

—— "What Is Party?" in *Pol. Sci. Quar.*, XI, 68 (1896).

Ogg, F. A., *The Governments of Europe* (1913). Contains chapters on European political parties.

Outlook, The, XCVII, 243, 256, 346 (1911), "The Insurgent League."

—— CI, 601 (1912), "The Call for a New Party."

—— CI, 608, "Woodrow Wilson and the Progressive Party."

—— CI, 852, "The New Party."

—— CII, 51, 101, 154 (1912), "The Progressive Movement."

Porritt, Edward, "Politics in Canada," in *Independent*, LXV, 653 (1908).

—— "Party Conditions in England," in *Pol. Sci. Quar.*, XXI, 206 (1906).

—— "The English Labor Party in 1910," in *Pol. Sci. Quar.*, XXV, 297 (1910).

Readers' Guide to Periodical Literature, The (issued monthly), and similar indexes to current periodicals are very useful on almost every topic treated in this book.

Richardson, Charles, "Party Government," in *Annals*, II, 518, 653 (1892).

Ridgeway, W., "The Liberal Unionist Party," in *Nineteenth Century*, LVIII, 182, 545 (1905).

Robinson, E. E., "Recent Manifestations of Sectionalism," in *Am. Jour. Soc.*, 446 (1914).

Roosevelt, Theodore, "Who Is a Progressive?" in *Outlook*, C, 809 (1912).

Roosevelt, Theodore, "The Progressives, Past and Present," in *Outlook*, XCVI, 19 (1910).

Smith, Goldwin, "Burke on Party," in *Am. Hist. Rev.*, XI, 36 (1905–6).

Turner, F. J., "Is Sectionalism in America Dying Away?" in *Am. Jour. Soc.*, XIII, 661 (1908).

Watson, R. S., *The National Liberal Federation* (1907). Gives the history of the English Liberal party.

Wilson, Woodrow, *Constitutional Government in the United States* (1911), ch. 8, "Party Government in the United States."

Woodburn, J. A., *Political Parties and Party Problems* (1914), ch. 21.

CHAPTER II

THE PARTY PLATFORM. DEMOCRATIC AND REPUBLICAN PLATFORMS OF 1916

"National" parties include the "great" parties and minor or "third" parties

It is comparatively easy to form a national party. Any group of citizens who nominate candidates of their own for President and Vice-President may be called a national party. In the Presidential campaign of 1908 there were no less than seven national parties in the field appealing for the support of the American voter. There were the two great parties, the Republican and the Democratic, and five minor parties: the People's party, the Independence party, the Socialist party, the Socialist Labor party, and the Prohibition party.[1] The discrimination between the first two as "great parties" and the other five as "minor parties" is justified by the fact that the Republican and Democratic parties are absolutely coextensive with the Union. They exist in every State and in every corner of every State; they exist even in the Territories. The minor parties, on the other hand, although they may have a permanent organization in many States, do not attempt to maintain it in all States; neither do they contest every election

[1] In 1912 there were six national parties, the Democratic, Republican, Progressive, Socialist, Socialist Labor, and Prohibition. In 1916 there were six, Democratic, Republican, Socialist, Socialist Labor, American, and Prohibition.

even in the States where their organization is permanent.

The party platform

Each national party, at the beginning of a Presidential campaign, issues a manifesto or appeal to the public called a platform. This platform contains a statement in more or less detail of the principles or policies for which the party stands. It is usually accompanied by an arraignment of the character, professions, or party record of the principal rival party. This has been an especially prominent feature of the platform of the Democratic party, owing to the fact that, with the exception of very brief periods, this party since the Civil War has been a party of the opposition, not in control of the government. It is natural, therefore, that Democrats should seek to magnify the weaknesses and mistakes of the Republican party, which has had almost uninterrupted control of the government during that period. An equally prominent feature of the platforms of the Republican party has been the vigorous defense of the record of the party while in control of the government and the degree of self-laudation to which its platform gives expression.

Some of its features

Platforms may be clear and positive or ambiguous and evasive

In addition to these conspicuous characteristics of the Democratic and Republican platforms, they, and the platforms of the minor parties as well, contain sometimes clear and explicit, at other times ambiguous or evasive declarations called "planks," which relate to specific public questions. If the party is united upon a certain policy, the "plank" of the platform which relates to it will be clearly and positively phrased. If, on the other hand, there is a sharp differ-

ence of opinion within the party, especially between geographical sections of the party, the framers of the platform often adopt an ambiguous or non-committal plank upon that particular subject. This is sometimes so worded as to meet the approval of one section if construed or emphasized in one way; while, at the same time, it may be susceptible to an entirely different emphasis or interpretation rendering it satisfactory to the opposing section. This device is commonly called "straddling." A notable instance occurred in the declarations of both the Democratic and Republican platforms in 1892 concerning the free-silver issue: one part of the currency plank placated the silver men of the West, while another part reassured the gold men of the East.[1]

"Straddling" planks

National platform framed by committee and adopted by national convention

The platform of a national party is framed by the committee on resolutions at the national convention of the party at which candidates are nominated for President and Vice-President and is formally adopted by the convention before it adjourns. This committee on resolutions consists of one member from each State represented in the convention. Thus all shades of opinion are likely to be represented. The platform is rarely, if ever, left to be drafted on the spur of the moment amid the extraordinary excitement which usually attends a national convention. It is customary for some one designated by those most concerned to bring to the convention a preliminary draft of a platform carefully prepared beforehand and inspected as to its more important planks by those best entitled to express an opinion.

[1] Stanwood, *History of the Presidency*, 495, 501.

This draft, as a rule, forms the basis of discussion in the meetings of the subcommittee on resolutions and afterward of the full committee. In 1908, for example, the draft of the Republican platform was prepared and brought to the convention by Mr. Wade Ellis, assistant attorney-general of the United States.[1]

The meetings of the committee on resolutions sometimes develop into bitter and prolonged contests between different factions or interests within the party favoring or opposing declarations upon certain subjects. A case in point occurred at the Democratic convention in 1904 over the currency question and again at both the Republican and Democratic conventions in 1908 over the labor and injunction planks.

The personal views and preferences of candidates whose nomination has become practically a certainty are usually known to the committee on resolutions and frequently exert a decisive influence on the final shape of the platform. The original draft of the Republican platform in 1908 and of the Democratic platform in 1916, for example, was submitted to Mr. Taft and to President Wilson and received approval in advance of the action of the convention.

"Majority" and "minority" platform drafts

Not infrequently the committee on resolutions finds that it is impossible to agree upon a platform. In such an event it is customary for those in the majority in the committee to present what is called the "majority report," while the minority of the committee present their views at the same time in a "minority report." This virtually transfers the contest

[1] *Review of Reviews*, XXXVIII, 8 (1908).

from the committee room to the floor of the convention. Many an exciting scene has followed the presentation of majority and minority reports, especially where the division of opinion is acute and very close, notably in the Democratic convention of 1860. A less conspicuous instance occurred in 1908 when a minority report, written by Senator La Follette, was presented to the Republican convention by Congressman Cooper, of Wisconsin. This report went into much greater detail respecting railroad regulation, trusts, and some other economic and political questions than the platform of the majority. Several of the proposals were made the subject of separate ballots. One of these was the demand for publicity for campaign contributions; another was for the physical valuation of railroad properties; and a third was for the election of United States senators by popular vote.[1] A defeat sustained by a powerful faction under such circumstances has at times produced a serious split in a party and jeopardized, if not destroyed, its chances of success in the ensuing election; *e. g.*, the Democratic party in 1860 and the Republican and Democratic parties in 1896.

The subjects touched upon in the Democratic and Republican platforms of 1916 and the attitude of the two parties upon different issues may easily be seen from a study of the parallel arrangement which follows:[2]

[1] *Ibid.* A minority report embodying Mr. La Follette's views was also submitted to the Republican convention in 1912.

[2] The Republican and Democratic platforms of 1920 will be found in the Appendix to this volume.

DEMOCRATIC

The Democratic Party, in national convention assembled, adopts the following declaration to the end that the people of the United States may both realize the achievements wrought by four years of Democratic administration and be apprised of the policies to which the party is committed for the further conduct of national affairs.

RECORD OF ACHIEVEMENT

We endorse the administration of Woodrow Wilson. It speaks for itself. It is the best exposition of sound Democratic policy at home and abroad.

We challenge comparison of our record, our keeping of pledges and our constructive legislation, with those of any party of any time.

We found our country hampered by special privilege, a vicious tariff, obsolete banking laws and an inelastic currency. Our foreign affairs were dominated by commercial interests for their selfish ends. The Republican Party, despite repeated pledges, was impotent to correct abuses which it had fostered. Under our administration, under a leadership which has never faltered, these abuses have been corrected, and our people have been freed therefrom.

AN END OF PANICS

Our archaic banking and currency system, prolific of panic and disaster under Republican

REPUBLICAN

In 1861 the Republican Party stood for the Union. As it stood for the Union of States, it now stands for a united people, true to American ideals, loyal to American traditions, knowing no allegiance except to the Constitution, to the Government and to the flag of the United States. We believe in American policies at home and abroad.

DEMOCRATIC

administrations—long the refuge of the Money Trust—has been supplanted by the Federal Reserve Act, a true democracy of credit under Government control, already proved a financial bulwark in a world crisis, mobilizing our resources, placing abundant credit at the disposal of legitimate industry and making a currency panic impossible.

THE TRADE COMMISSION

We have created a Federal Trade Commission to accommodate the perplexing questions arising under the antitrust laws so that monopoly may be strangled at its birth and legitimate industry encouraged. Fair competition in business is now assured.

TARIFF REVISION DOWNWARD

We have effected an adjustment of the tariff, adequate for revenue under peace conditions, and fair to the consumer and to the producer. We have adjusted the burdens of taxation so that swollen incomes bear their equitable share. Our revenues have been sufficient in times of world stress, and will largely exceed the expenditures for the current fiscal year.

JUSTICE FOR LABOR

We have lifted human labor from the category of commodities, and have secured to the workingman the right of voluntary association for his protection

REPUBLICAN

DEMOCRATIC

and welfare. We have protected the rights of the laborer against the unwarranted issuance of writs of injunction, and have guaranteed to him the right of trial by jury in cases of alleged contempt committed outside the presence of the court.

THE POSTAL SERVICE

We have advanced the parcels post to genuine efficiency, enlarged the Postal Savings System, added 10,000 rural-delivery routes and extensions, thus reaching 2,500,000 additional people, improved the Postal Service in every branch, and for the first time in our history placed the post-office system on a self-supporting basis, with actual surplus in 1913, 1914 and 1916.

ECONOMIC FREEDOM

The reforms which were most obviously needed to clear away special privilege, prevent unfair discrimination and release the energies of men of all ranks and advantages have been effected by recent legislation. We must now remove, as far as possible, every remaining element of unrest and uncertainty from the path of the business men of America, and secure for them a continued period of quiet, assured and confident prosperity.

THE TARIFF [1]

We reaffirm our belief in the doctrine of a tariff for the pur-

REPUBLICAN

RURAL FREE DELIVERY

We favor the extension of the rural free delivery system and condemn the Democratic administration for curtailing and crippling it.

THE TARIFF

The Republican Party stands now, as always, in the fullest

[1] Compare with tariff plank of 1912.

DEMOCRATIC

pose of providing sufficient revenue for the operation of the Government economically administered and unreservedly endorse the Underwood tariff law as truly exemplifying that doctrine. We recognize that tariff rates are necessarily subject to change to meet changing conditions in the world's production and trade. The events of the last two years have brought about many momentous changes. In some respects their effects are yet conjectural and wait to be disclosed, particularly in regard to our foreign trade.

REPUBLICAN

sense for the policy of tariff protection to American industries and American labor and does not regard an antidumping provision as an adequate substitute.

Such protection should be reasonable in amount but sufficient to protect adequately American industries and American labor and so adjusted as to prevent undue exactions by monopolies or trusts. It should, moreover, give special attention to securing the industrial independence of the United States as in the case of dye-stuffs.

Through wise tariff and industrial legislation our industries can be so organized that they will become not only a commercial bulwark but a powerful aid to national defense.

The Underwood tariff act is a complete failure in every respect. Under its administration imports have enormously increased in spite of the fact that intercourse with foreign countries has been largely cut off by reason of the war, while the revenues of which we stand in such dire need have been greatly reduced.

Under the normal conditions which prevailed prior to the war it was clearly demonstrated that this act deprived the American producer and the American wage earner of that protection which enabled them to meet their foreign competitors, and but for the adventitious conditions created by the war, would long since have paralyzed all forms of American industry and deprived American labor of its just reward.

DEMOCRATIC

REPUBLICAN

It has not in the least degree reduced the cost of living, which has constantly advanced from the date of its enactment. The welfare of our people demands its repeal and the substitution of a measure which in peace as well as in war will produce ample revenue and give reasonable protection to all forms of American production in mine, forest, field and factory.

TARIFF COMMISSION

Two years of a war which has directly involved most of the chief industrial nations of the world, and which has indirectly affected the life and industry of all nations, are bringing about economic changes more varied and far-reaching than the world has ever before experienced. In order to ascertain just what those changes may be, the Democratic Congress is providing for a non-partisan tariff commission to make impartial and thorough study of every economic fact that may throw light either upon our past or upon our future fiscal policy with regard to the imposition of taxes on imports or with regard to the changed and changing conditions under which our trade is carried on. We cordially endorse this timely proposal and declare ourselves in sympathy with the principle and purpose of shaping legislation within that field in accordance with clearly established facts rather than in accordance with the demands of selfish interests or upon informa-

TARIFF COMMISSION

We favor the creation of a tariff commission with complete power to gather and compile information for the use of Congress in all matters relating to the tariff.

DEMOCRATIC

tion provided largely, if not exclusively, by them.

AMERICANISM

The part which the United States will play in the new day of international relationships that is now upon us will depend upon our preparation and our character. The Democratic party, therefore, recognizes the assertion and triumphant demonstration of the indivisibility and coherent strength of the Nation as the supreme issue of this day in which the whole world faces the crisis of manifold change. It summons all men of whatever origin or creed, who would count themselves Americans, to join in making clear to all the world the unity and consequent power of America. This is an issue of patriotism. To taint it with partisanship would be to defile it. In this day of test America must show itself not a Nation of partisans but a Nation of patriots. There is gathered here in America the best of the blood, the industry and the genius of the world, the elements of a great race and a magnificent society to be welded into a mighty and splendid Nation.

DIVIDED ALLEGIANCE

Whoever, actuated by the purpose to promote the interest of a

REPUBLICAN

AMERICANISM [1]

In 1861 the Republican Party stood for the Union. As it stood for the Union of States, it now stands for a united people, true to American ideals, loyal to American traditions, knowing no allegiance except to the Constitution, to the Government, and to the flag of the United States. We believe in American policies at home and abroad.

Such are our principles, such are our purposes and policies. We close as we began. The times are dangerous and the future is fraught with perils. The great issues of the day have been confused by words and phrases. The American spirit, which made the country and saved the Union, has been forgotten by those charged with the responsibility of power. We appeal to all Americans, whether naturalized or native born, to prove to the world that we are Americans in thought and in deed, with one loyalty, one hope, one aspiration. We call on all Americans to be true to the spirit of America, to the great traditions of their common country, and, above all things, to keep the faith.

[1] These extracts consist of the introduction and conclusion of the Republican platform.

DEMOCRATIC

foreign power, in disregard of our own country's welfare or to injure this Government in its foreign relations or cripple or destroy its industries at home, and whoever by arousing prejudices of a racial, religious or other nature creates discord and strife among our people so as to obstruct the wholesome process of unification, is faithless to the trust which the privileges of citizenship repose in him and is disloyal to his country. We therefore condemn as subversive of this Nation's unity and integrity, and as destructive of its welfare, the activities and designs of every group or organization, political or otherwise, that has for its object the advancement of the interest of a foreign power, whether such object is promoted by intimidating the Government, a political party, or representatives of the people, or which is calculated and tends to divide our people into antagonistic groups and thus to destroy that complete agreement and solidarity of the people and that unity of sentiment and purpose so essential to the perpetuity of the Nation and its free institutions. We condemn all alliances and combinations of individuals in this country, of whatever nationality or descent, who agree and conspire together for the purpose of embarrassing or weakening our Government or of improperly influencing or coercing our public representatives in dealing or negotiating with any foreign power. We charge that such conspiracies among a lim-

REPUBLICAN

DEMOCRATIC

ited number exist and have been instigated for the purpose of advancing the interests of foreign countries to the prejudice and detriment of our own country. We condemn any political party which, in view of the activity of such conspirators, surrenders its integrity or modifies its policy.

PREPAREDNESS

Along with the proof of our character as a nation must go the proof of our power to play the part that legitimately belongs to us. The people of the United States love peace. They respect the rights and covet the friendship of all other nations. They desire neither any additional territory nor any advantage which can not be peacefully gained by their skill, their industry or their enterprise; but they insist upon having absolute freedom of national life and policy, and feel that they owe it to themselves, and to the rôle of spirited independence which it is their sole ambition to play, that they should render themselves secure against the hazard of interference from any quarter, and should be able to protect their rights upon the seas or in any part of the world. We therefore favor the maintenance of an Army fully adequate to the requirements of order, of safety, and of the protection of the Nation's rights; the fullest development of modern methods of seacoast defense and the maintenance of an adequate reserve of

REPUBLICAN

PROTECTION OF THE COUNTRY

In order to maintain our peace and make certain the security of our people within our own borders the country must have not only adequate but thorough and complete national defenses ready for any emergency. We must have a sufficient and effective Regular Army, and a provision for ample reserves, already drilled and disciplined, who can be called at once to the colors when the hour of danger comes.

We must have a Navy so strong and so well proportioned and equipped, so thoroughly ready and prepared, that no enemy can gain command of the sea and effect a landing in force on either our western or our eastern coast. To secure these results we must have a coherent and continuous policy of national defense, which even in these perilous days the Democratic Party has utterly failed to develop, but which we promise to give to the country.

DEMOCRATIC

citizens trained to arms and prepared to safeguard the people and territory of the United States against any danger of hostile action which may unexpectedly arise; and a fixed policy for the continuous development of a Navy worthy to support the great naval traditions of the United States and fully equal to the international tasks which this Nation hopes and expects to take a part in performing. The plans and enactments of the present Congress afford substantial proof of our purpose in this exigent matter.

INTERNATIONAL RELATIONS

The Democratic Administration has throughout the present war scrupulously and successfully held to the old paths of neutrality and to the peaceful pursuit of the legitimate objects of our national life which statesmen of all parties and creeds have prescribed for themselves in America since the beginning of our history. But the circumstances of the last two years have revealed necessities of international action which no former generation can have foreseen. We hold that it is the duty of the United States to use its power, not only to make itself safe at home, but also to make secure its just interests throughout the world, and, both for this end and in the interest of humanity, to assist the world in securing settled peace and justice. We believe that every people has the

REPUBLICAN

FOREIGN RELATIONS

We desire peace, the peace of justice and right, and believe in maintaining a strict and honest neutrality between the belligerents in the great war in Europe. We must perform all our duties and insist upon all our rights as neutrals without fear and without favor. We believe that peace and neutrality, as well as the dignity and influence of the United States, can not be preserved by shifty expedients, by phrase-making, by performances in language, or by attitudes ever changing in an effort to secure groups of voters. The present administration has destroyed our influence abroad and humiliated us in our own eyes. The Republican Party believes that a firm, consistent, and courageous foreign policy, always maintained by Republican Presidents in accordance with American tradi-

DEMOCRATIC

right to choose the sovereignty under which it shall live; that the small states of the world have a right to enjoy from other nations the same respect for their sovereignty and for their territorial integrity that great and powerful nations expect and insist upon; and that the world has a right to be free from every disturbance of its peace that has its origin in aggression or disregard of the rights of peoples and nations; and we believe that the time has come when it is the duty of the United States to join with the other nations of the world in any feasible association that will effectively serve those principles, to maintain inviolate the complete security of the highway of the seas for the common and unhindered use of all nations.

LIFE ABOVE PROPERTY

The present administration has consistently sought to act upon and realize in its conduct of the foreign affairs of the Nation the principle that should be the object of any association of the nations formed to secure the peace of the world and the maintenance of national and individual rights. It has followed the highest American traditions. It has preferred respect for the fundamental rights of smaller States even to property interests, and has secured the friendship of the people of such States for the United States by refusing to make a mere material interest an excuse for the assertion of our

REPUBLICAN

tions, is the best, as it is the only true way, to preserve our peace and restore us to our rightful place among the nations. We believe in the pacific settlement of international disputes, and favor the establishment of a world court for that purpose.

DEMOCRATIC

superior power against the dignity of their sovereign independence. It has regarded the lives of its citizens and the claims of humanity as of greater moment than material rights, and peace as the best basis for the just settlement of commercial claims. It has made the honor and ideals of the United States its standard alike in negotiation and action.

PAN-AMERICAN CONCORD

We recognize now, as we have always recognized, a definite and common interest between the United States and the other peoples and Republics of the Western Hemisphere in all matters of national independence and free political development. We favor the establishment and maintenance of the closest relations of amity and mutual helpfulness between the United States and the other Republics of the American continents for the support of peace and the promotion of a common prosperity. To that end we favor all measures which may be necessary to facilitate intimate intercourse and promote commerce between the United States and our neighbors to the south, and such international understandings as may be practicable and suitable to accomplish these ends.

We commend the action of the Democratic Administration in holding the Pan-American Financial Conference at Washington in May, 1915, and organizing the International High Commission

REPUBLICAN

LATIN AMERICA

We favor the continuance of Republican policies which will result in drawing more and more closely the commercial, financial and social relations between this country and the countries of Latin America.

MONROE DOCTRINE

We reaffirm our approval of the Monroe doctrine, and declare its maintenance to be a policy of this country essential to its present and future peace and safety and to the achievement of its manifest destiny.

DEMOCRATIC

which represented the United States in the recent meeting of representatives of the Latin-American Republics at Buenos Aires, April, 1916, which have so greatly promoted the friendly relations between the people of the Western Hemisphere.

MONROE DOCTRINE AND MEXICO

The Monroe doctrine is reasserted as a principle of Democratic faith. That doctrine guarantees the Independent Republics of the two Americas against aggression from another continent. It implies, as well, the most scrupulous regard upon our part for the sovereignty of each of them. We court their good will. We seek not to despoil them. The want of a stable, responsible government in Mexico, capable of repressing and punishing marauders and bandit bands, who have not only taken the lives and seized and destroyed the property of American citizens in that country, but have insolently invaded our soil, made war upon and murdered our people thereon, has rendered it necessary temporarily to occupy, by our armed forces, a portion of the territory of that friendly State. Until, by the restoration of law and order therein, a repetition of such incursions is improbable, the necessity for their remaining will continue. Intervention, implying as it does military subjugation, is revolting to the people of the United States, notwithstand-

REPUBLICAN

MEXICO

We deeply sympathize with the 15,000,000 people of Mexico who for three years have seen their country devastated, their homes destroyed, their fellow citizens murdered and their women outraged by armed bands of desperadoes led by self-seeking, conscienceless agitators who, when temporarily successful in any locality, have neither sought nor been able to restore order or establish and maintain peace.

We express our horror and indignation at the outrages which have been and are being perpetrated by these bandits upon American men and women who were or are in Mexico by invitation of the laws and of the Government of that country and whose rights to security of person and property are guaranteed by solemn treaty obligations. We denounce the indefensible methods of interference employed by this administration in the internal affairs of Mexico and refer with shame to its failure to discharge the duty of this country as next friend to Mexico, its duty to other powers who have relied upon us as such friend, and its duty to our citizens in Mexico,

DEMOCRATIC

ing the provocation to that course has been great and should be resorted to, if at all, only as a last recourse. The stubborn resistance of the President and his advisers to every demand and suggestion to enter upon it is creditable alike to them and to the people in whose name he speaks.

MERCHANT MARINE

Immediate provision should be made for the development of the carrying trade of the United States. Our foreign commerce has in the past been subject to many unnecessary and vexatious obstacles in the way of legislation of Republican Congresses. Until the recent Democratic tariff legislation, it was hampered by unreasonable burdens of taxation. Until the recent banking legislation it had at its disposal few of the necessary instrumentalities of international credit and exchange. Until the formulation of the pending act to promote the construction of a merchant marine, it lacked even the prospect of adequate carriage by sea. We heartily endorse the purpose and policy of the pending shipping bill, and favor all such additional measures of constructive or remedial legislation as may be necessary to restore our flag to

REPUBLICAN

in permitting the continuance of such conditions, first, by failure to act promptly and firmly, and second, by lending its influence to the continuation of such conditions through recognition of one of the factions responsible for these outrages.

We pledge our aid in restoring order and maintaining peace in Mexico. We promise to our citizens on and near our border, and to those in Mexico, wherever they may be found, adequate and absolute protection in their lives, liberty and property.

MERCHANT MARINE

In view of the policies adopted by all the maritime nations to encourage their shipping interests, and in order to enable us to compete with them for the ocean-carrying trade, we favor the payment to ships engaged in the foreign trade of liberal compensation for services actually rendered in carrying the mails, and such further legislation as will build up an adequate American merchant marine and give us ships which may be requisitioned by the Government in time of national emergency.

We are utterly opposed to the Government ownership of vessels as proposed by the Democratic Party, because Government-owned ships, while effectively preventing the development of the American merchant marine by private capital, will be entirely unable to provide for the vast volume of American freights

DEMOCRATIC

the seas and to provide further facilities for our foreign commerce, particularly such laws as may be requisite to remove unfair conditions of competition in the dealings of American merchants and producers with competitors in foreign markets.

CONSERVATION

For the safeguarding and quickening of the life of our own people we favor the conservation and development of the natural resources of the country through a policy which shall be positive rather than negative, a policy which shall not withhold such resources from development, but which, while permitting and encouraging their use, shall prevent both waste and monopoly in their exploitation, and we earnestly favor the passage of acts which will accomplish these objects, reaffirming the declaration of the platform of 1912 on this subject.

The policy of reclaiming our arid lands should be steadily adhered to.

DEEDS FOR THE FARMER

We favor the vigorous prosecution of investigations and plans to render agriculture more profitable and country life more healthful, comfortable, and attractive, and we believe that this should be a dominant aim of the Nation as well as of the States. With all its recent improvement, farming still lags behind other occupations in development as a busi-

REPUBLICAN

and will leave us more helpless than ever in the hard grip of foreign syndicates.

CONSERVATION

We believe in a careful husbandry of all the natural resources of the Nation—a husbandry which means development without waste; use without abuse.

DEMOCRATIC

ness, and the advantages of an advancing civilization have not accrued to rural communities in a fair proportion. Much has been accomplished in this field under the present administration, far more than under any previous administration.

RURAL CREDITS

In the Federal Reserve Act of the last Congress and the Rural Credits Act of the present Congress, the machinery has been created which will make credit available to the farmer constantly and readily, placing him at last upon a footing of equality with the merchant and the manufacturer in securing the capital necessary to carry on his enterprises. Grades and standards necessary to the intelligent and successful conduct of the business of agriculture have also been established or are in the course of being established by law.

COTTON FUTURES ACT

The long-needed Cotton Futures Act, passed by the Sixty-third Congress, has now been in successful operation for nearly two years.

GRAIN GRADES AND WAREHOUSE BILLS

A Grain Grades Bill, long needed, and a Permissive Warehouse Bill, intended to provide better storage facilities and to enable the farmer to obtain certificates upon which he may se-

REPUBLICAN

RURAL CREDITS

We favor an effective system of rural credits as opposed to the ineffective law proposed by the present Democratic Administration.

DEMOCRATIC

cure advances of money, have been passed by the House of Representatives, have been favorably reported to the Senate, and will probably become law during the present session of the Congress.

GOOD ROADS LAW

Both Houses have passed a good-roads measure which will be of far-reaching benefit to all agricultural communities.

SCIENTIFIC FARMING

Above all, the most extraordinary and significant progress has been made, under the direction of the Department of Agriculture, in extending and perfecting practical farm demonstration work, which is so rapidly substituting scientific for empirical farming. But it is also necessary that rural activities should be better directed through co-operation and organization, that unfair methods of competition should be eliminated and the conditions requisite for the just, orderly and economical marketing of farm products created.

MARKETING

We approve the Democratic administration for having emphatically directed attention for the first time to the essential interests of agriculture involved in farm marketing and finance, for creating the Office of Markets and Rural Organization in connection with the Department of

REPUBLICAN

DEMOCRATIC

Agriculture, and for extending the co-operative machinery necessary for conveying information to farmers by means of demonstrations. We favor continued liberal provision, not only for the benefit of production, but also for the study and solution of problems of farm marketing and finance and for the extension of existing agencies for improving country life.

AID FOR POST ROADS

The happiness, comfort and prosperity of rural life, and the development of the city, are alike conserved by the construction of public highways. We therefore favor national aid in the construction of post roads and roads for military purposes.

GOVERNMENT EMPLOYMENT

We hold that the life, health and strength of the men, women and children of the Nation are its greatest asset, and that in the conservation of these the Federal Government, wherever it acts as the employer of labor, should, both on its own account and as an example, put into effect the following principles of just employment:

1. A living wage for all employees.

2. A working day not to exceed eight hours, with one day of rest in seven.

3. The adoption of safety appliances and the establishment of

REPUBLICAN

DEMOCRATIC

thoroughly sanitary conditions of labor.

4. Adequate compensation for industrial accidents.

5. The standards of the "Uniform Child Labor Law" wherever minors are employed.

6. Such provisions for decency, comfort and health in the employment of women as should be accorded the mothers of the race.

7. An equitable retirement law providing for the retirement of superannuated and disabled employees of the civil service, to the end that a higher standard of efficiency may be maintained.

We believe also that the adoption of similar principles should be urged and applied in the legislation of the States with regard to labor within their borders, and that through every possible agency the life and health of the people of the Nation should be conserved.

LABOR

We declare our faith in the Seamen's Act, passed by the Democratic Congress, and we promise our earnest continuance of its enforcement.

We favor the speedy enactment of an effective Federal Child Labor Law, and the regulation of the shipment of prison-made goods in interstate commerce.

We favor the creation of a Federal Bureau of Safety in the Department of Labor, to gather facts concerning industrial haz-

REPUBLICAN

LABOR LAWS

We pledge the Republican Party to the faithful enforcement of all Federal laws passed for the protection of labor. We favor vocational education; the enactment and rigid enforcement of a Federal child-labor law; the enactment of a generous and comprehensive workman's compensation law, within the commerce power of Congress, and an accident compensation law covering all Government employees. We favor the collection and collation, under the direction of the

DEMOCRATIC

ards, and to recommend legislation to prevent the maiming and killing of human beings.

We favor the extension of the powers and functions of the Federal Bureau of Mines.

We favor the development upon a systematic scale of the means, already begun under the present administration, to assist laborers throughout the Union to seek and obtain employment, and the extension by the Federal Government of the same assistance and encouragement as is now given to agricultural training.

We heartily commend our newly established Department of Labor for its fine record in settling strikes by personal advice and through conciliating agents.

PUBLIC HEALTH

We favor a thorough reconsideration of the means and methods by which the Federal Government handles questions of public health to the end that human life may be conserved by the elimination of loathsome diseases, the improvement of sanitation, and the diffusion of a knowledge of disease prevention.

We favor the establishment by the Federal Government of tuberculosis sanitariums for needy tubercular patients.

SENATE RULES

We favor such alteration of the rules of procedure of the Senate of the United States as will permit the prompt transaction of the Nation's legislative business.

REPUBLICAN

Department of Labor, of complete data relating to industrial hazards for the information of Congress, to the end that such legislation may be adopted as may be calculated to secure the safety, conservation and protection of labor from the dangers incident to industry and transportation.

DEMOCRATIC

ECONOMY AND THE BUDGET

We demand careful economy in all expenditures for the support of the Government, and to that end favor a return by the House of Representatives to its former practice of initiating and preparing all appropriation bills through a single committee chosen from its membership, in order that responsibility may be centered, expenditures standardized and made uniform, and waste and duplication in the public service as much as possible avoided. We favor this as a practicable first step toward a budget system.

CIVIL SERVICE

We reaffirm our declarations for the rigid enforcement of the Civil Service laws.

REPUBLICAN

ECONOMY AND A NATIONAL BUDGET

The increasing cost of the National Government and the need for the greatest economy of its resources in order to meet the growing demands of the people for Government service call for the severest condemnation of the wasteful appropriations of this Democratic administration, of its shameless raids on the Treasury, and of its opposition to and rejection of President Taft's oft-repeated proposals and earnest efforts to secure economy and efficiency through the establishment of a simple businesslike budget system to which we pledge our support and which we hold to be necessary to effect any real reform in the administration of national finances.

CIVIL SERVICE REFORM

The Civil Service Law has always been sustained by the Republican Party, and we renew our repeated declarations that it shall be thoroughly and honestly enforced and extended wherever practicable. The Democratic Party has created since March 4, 1913, 30,000 offices outside of the Civil Service Law at an annual cost of $44,000,000 to the taxpayers of the country.

We condemn the gross abuse and the misuse of the law by the present Democratic administration, and pledge ourselves to a reorganization of this service along lines of efficiency and economy.

DEMOCRATIC

PHILIPPINE ISLANDS

We heartily endorse the provisions of the bill, recently passed by the House of Representatives, further promoting self-government in the Philippine Islands as being in fulfillment of the policy declared by the Democratic Party in its last National platform, and we reiterate our endorsement of the purpose of ultimate independence for the Philippine Islands, expressed in the preamble of that measure.

WOMAN SUFFRAGE

We recommend the extension of the franchise to the women of the country by the States upon the same terms as to men.

REPUBLICAN

PHILIPPINES

We renew our allegiance to the Philippine policy inaugurated by McKinley, approved by Congress and consistently carried out by Roosevelt and Taft. Even in this short time it has enormously improved the material and social conditions of the islands, given the Philippine people a constantly increasing participation in their government, and, if persisted in, will bring still greater benefits in the future.

We accepted the responsibility of the islands as a duty to civilization and the Filipino people. To leave with our task half done would break our pledges, injure our prestige among nations, and imperil what has already been accomplished.

We condemn the Democratic administration for its attempt to abandon the Philippines, which was prevented only by the vigorous opposition of Republican Members of Congress, aided by a few patriotic Democrats.

WOMAN SUFFRAGE

The Republican Party, reaffirming its faith in government of the people, by the people, for the people, as a measure of justice to one-half the adult people of the country, favors the extension of the suffrage to women, but recognizes the right of each State to settle this question for itself.

DEMOCRATIC

PROTECTION OF CITIZENS

We again declare the policy that the sacred rights of American citizenship must be preserved at home and abroad, and that no treaty shall receive the sanction of our Government which does not expressly recognize the absolute equality of all our citizens, irrespective of race, creed or previous nationality, and which does not recognize the right of expatriation. The American Government should protect American citizens in their rights not only at home but abroad, and any country having a Government should be held to strict accountability for any wrongs done them, either to person or to property. At the earliest practicable opportunity our country should strive earnestly for peace among the warring nations of Europe and seek to bring about the adoption of the fundamental principle of justice and humanity, that all men shall enjoy equality of right and freedom from discrimination in the lands wherein they dwell.

REPUBLICAN

PROTECTION OF AMERICAN RIGHTS

We declare that we believe in and will enforce the protection of every American citizen in all the rights secured to him by the Constitution, by treaties and the law of nations, at home and abroad, by land and sea. These rights, which, in violation of the specific promise of their party made at Baltimore in 1912, the Democratic President and the Democratic Congress have failed to defend, we will unflinchingly maintain.

TREATY WITH RUSSIA

We reiterate the unqualified approval of the action taken in December, 1911, by the President and Congress to secure with Russia, as with other countries, a treaty that will recognize the absolute right of expatriation and prevent all discrimination of whatever kind between American citizens, whether native born or alien, and regardless of race, religion or previous political alle-

DEMOCRATIC

PRISON REFORM

We demand that the modern principles of prison reform be applied in our Federal Penal System. We favor such work for prisoners as shall give them training in remunerative occupations so that they may make an honest living when released from prison; the setting apart of the net wages of the prisoner to be paid to his dependent family or to be reserved for his own use upon his release; the liberal extension of the principles of the Federal Parole Law, with due regard both to the welfare of the prisoner and the interests of society; the adoption of the probation system, especially in the case of first offenders not convicted of serious crimes.

PENSIONS

We renew the declarations of recent Democratic platforms relating to generous pensions for soldiers and their widows, and call attention to our record of performance in this particular.

REPUBLICAN

giance. We renew the pledge to observe this principle and to maintain the right of asylum, which is neither to be surrendered nor restricted, and we unite in the cherished hope that the war which is now desolating the world may speedily end, with a complete and lasting restoration of brotherhood among the nations of the earth and the assurance of full equal rights, civil and religious, to all men in every land.

DEMOCRATIC

REPUBLICAN

WATERWAYS AND FLOOD CONTROL

We renew the declaration in our last two platforms relating to the development of our waterways. The recent devastation of the lower Mississippi Valley and several other sections by floods accentuates the movement for the regulation of river flow by additional bank and levee protection below, and diversion, storage and control of the flood waters above, and their utilization for beneficial purposes in the reclamation of arid and swamp lands, and development of water power, instead of permitting the floods to continue as heretofore agents of destruction. We hold that the control of the Mississippi River is a national problem. The preservation of the depth of its waters for purposes of navigation, the building of levees and works of bank protection to maintain the integrity of its channel and prevent the overflow of its valley, resulting in the interruption of interstate commerce, the disorganization of the mail service, and the enormous loss of life and property, impose an obligation which alone can be discharged by the National Government.

We favor the adoption of a liberal and comprehensive plan for the development and improvement of our harbors and inland waterways with economy and efficiency, so as to permit their navigation by vessels of standard draft.

DEMOCRATIC

ALASKA

It has been and will be the policy of the Democratic Party to enact all laws necessary for the speedy development of Alaska and its great natural resources.

TERRITORIES

We favor granting to the people of Alaska, Hawaii and Porto Rico the traditional Territorial government accorded to all Territories of the United States since the beginning of our Government, and we believe that the officials appointed to administer the government of these several Territories should be qualified by previous bona fide residence.

CANDIDATES

We unreservedly endorse our President and Vice-President, Woodrow Wilson of New Jersey, and Thomas Riley Marshall of Indiana, who have performed the functions of their great offices faithfully and impartially and with distinguished ability.

In particular we commend to the American people the splendid diplomatic victories of our great President, who has preserved the vital interests of our Government and its citizens, and kept us out of war.

Woodrow Wilson stands today the greatest American of his generation.

CONCLUSION

This is a critical hour in the history of America, a critical hour

REPUBLICAN

TERRITORIAL OFFICIALS

Reaffirming the attitude long maintained by the Republican Party, we hold that officials appointed to administer the government of any Territory should be bona fide residents of the Territory in which their duties are to be performed.

DEMOCRATIC

in the history of the world. Upon the record above set forth, which shows great constructive achievement in following out a consistent policy for our domestic and internal development; upon the record of the Democratic Administration, which has maintained the honor, the dignity and the interests of the United States, and at the same time retained the respect and friendship of all the nations of the world; and upon the great policies for the future strengthening of the life of our country, the enlargement of our national vision and the ennobling of our international relations, as set forth above, we appeal with confidence to the voters of the country.

REPUBLICAN

TRANSPORTATION

Interstate and intrastate transportation have become so interwoven that the attempt to apply two and often several sets of laws to its regulation has produced conflicts of authority, embarrassment in operation and inconvenience and expense to the public.

The entire transportation system of the country has become essentially national. We therefore favor such action by legislation or, if necessary, through an amendment to the Constitution of the United States as will result in placing it under complete Federal control.

BUSINESS

The Republican Party has long believed in the rigid super-

DEMOCRATIC

REPUBLICAN

vision and strict regulation of the transportation and great corporations of the country. It has put its creed into its deeds, and all really effective laws regulating the railroads and the great industrial corporations are the work of Republican Congresses and Presidents. For this policy of regulation and supervision the Democrats, in a stumbling and piecemeal way, are undertaking to involve the Government in business which should be left within the sphere of private enterprise and in direct competition with its own citizens, a policy which is sure to result in waste, great expense to the taxpayer and in an inferior product.

The Republican Party firmly believes that all who violate the laws in regulation of business should be individually punished. But prosecution is very different from persecution, and business success, no matter how honestly attained, is apparently regarded by the Democratic Party as in itself a crime. Such doctrines and beliefs choke enterprise and stifle prosperity. The Republican Party believes in encouraging American business, as it believes in and will seek to advance all American interests.

Differences in these platforms more superficial than radical

From the foregoing comparison of the platforms of the Democratic and Republican parties in 1916, it will readily be seen that there were few clear-cut and sharply defined issues of importance, and that the two platforms did not represent any strongly opposed

doctrines or tendencies of thought. Both agreed in urging important changes in our national policies, economic and political; but they differed, as in 1908 and 1912, in detail and degree rather than in fundamental principles. They illustrate, on the one hand, the tendency of the party in power to exaggerate its legislative and executive achievements during the preceding four years; and, on the other hand, they also illustrate the usual disposition of the party out of office to indulge in unfair criticisms of the opposing party.

Issues emphasized by Democrats and Republicans in 1916

As the campaign of 1916 progressed, less and less attention was paid to the texts of the platforms. At least one of the most important issues of the campaign arose long after the adoption of the platforms and for that reason received no mention in them, namely, the Adamson law, passed by Congress in September. The Democrats, in the conduct of their campaign, laid more and more emphasis upon the legislative achievements of the party during the Wilson administration; upon the obvious prosperity which the country was enjoying under the Democratic party; and upon the claim that the country had been kept out of war through the diplomacy of President Wilson. The election of Mr. Hughes, on the other hand, it was asserted, would lead us into war either with some European nation or with Mexico. Finally, an especial appeal was made for the support of organized labor throughout the country, based upon the action of the President and Congress in averting the threatened railway strike by the enactment of the Adamson law. Democrats denounced

Republican criticisms as petty faultfinding, and demanded that the Republicans cease criticising and present a constructive programme, and show what they would have done differently had they been in power.

Mr. Hughes, the Republican nominee, and other Republican speakers and writers, sought either to minimize the importance of much Democratic legislation or else endeavored to prove that in many instances the Democratic party had merely taken over or completed reforms inaugurated under Republican or Progressive auspices. Much criticism was also directed against the administration for weakening the merit system in appointments to Federal offices, and particularly against a so-called sectional favoritism whereby Southern politicians had received a disproportionately large number of Federal appointments. In States where woman suffrage already existed, the Republicans took great pains to contrast the attitude of Mr. Hughes, who favored the adoption of a woman-suffrage amendment to the Federal Constitution, and the attitude, past and present, of Mr. Wilson, who now favored adoption of woman suffrage by separate State action. The alleged insincerity and inadequateness of Democratic measures for national defense were also emphasized; but chief stress was laid upon the tariff, the handling of the Mexican problem, and the eight-hour issue embodied in the Adamson law.

The Underwood tariff of 1913 was assailed by the Republicans as injurious to American business and industries; and the existing prosperity was character-

ized as purely factitious, based solely upon the abnormal demands for American commodities growing out of the great European conflict, and which would vanish as soon as the war ended, unless the tariff should be amended so as to restore the principle of protection wherever abandoned by the Underwood tariff. Our peaceful relations with the contending belligerents in Europe was due, not to Mr. Wilson's "blundering," "inconsistent," and "vacillating" diplomacy and uncertain neutrality, but rather to the preoccupation for the time being of the nations concerned with the European conflict. On the other hand, in our relations with Mexico it was asserted that every element of war existed except the frank acknowledgment thereof by the administration, which was endeavoring to conceal the real facts until after election. Furthermore, the administration was denounced for its failure to protect the lives and property of American citizens residing in Mexico, in direct violation of its platform pledges in 1912. Finally, the Adamson law was denounced as an abandonment of the principle of arbitration in labor disputes, as a cowardly surrender to the demands of organized labor, as a brazen bid for labor votes at the ensuing Presidential election, as establishing a precedent fraught with the gravest consequences to the entire country, and as impairing the stability of our political institutions.

It is natural to inquire how significant are party platforms and how much reliance may be placed on the pledges which they contain. It is evident to any one the least familiar with politics that the

framers of platforms are subject to the temptation to exaggerate the virtues of their own party and the misdeeds of their opponents; and it is clear even to an uncritical reader that the temptation has proved irresistible and that each party has yielded to it. One is often sceptical about the sincerity of party pledges regarding future action; it is so easy for politicians to promise, whereas fulfilment is remote and difficult, if not impossible, even when sincerely attempted. Formerly the platforms were of the first importance. Diligent attention was given not only to every position advanced but to the phrase in which it was expressed. In more recent years, unfortunately, a change has taken place which goes far toward justifying the statement that "the sole object of the platform is to catch votes by trading on the credulity of the electors." [1] No general rule can be laid down for the guidance of the thoughtful and critical citizen in weighing platforms. It must always be remembered that platforms are partisan documents and not judicial. They must be interpreted in the light of the character, reputation, and record of the party leaders and candidates back of them. It has to be confessed that platform pledges seem to have rested lightly upon the conscience of the average member of Congress or of the State Legislature. His estimate of the significance of platform declarations is at once tersely and cynically expressed in the oft-repeated saying that "platforms are good things to get in and out on but not to ride on." It is only by

Value of platform declarations determined by character and record of party leaders and candidates

[1] Ostrogorski's *Democracy and the Organization of Political Parties*, II, 262; Bryce, II, 330.

party leaders of conspicuous ability and commanding influence that platform promises have been taken very seriously. A change for the better, however, has been taking place recently. The conscience of the average member of Congress and of the State Legislature seems to be a little more sensitive. He appears to feel a greater sense of responsibility to the public than formerly for the faithful execution of the pledges contained in the party platform. In national affairs this has been due in a large measure to the emphasis with which President Taft reiterated in his public speeches and messages to Congress that party pledges mean something and are to be taken seriously. His persistence in driving home this apparently new thought compelled a more or less reluctant majority of Republican members of Congress to take steps to fulfil the promises made in the campaign of 1908, many of which, it is believed, were originally designed for campaign purposes only.

Platforms may be clarified or reinforced by Presidential candidates

The effect of an ambiguous or straddling plank in a platform is not infrequently reversed or radically modified by some positive action or formal utterance on the part of the Presidential candidate of the party. An instance of this occurred in the case of Judge Parker's telegram to the Democratic convention in St. Louis in 1904 regarding the currency issue. Another instance occurred in 1908 in connection with the injunction and tariff planks of the Republican platform. Although declaring explicitly for a revision of the tariff, the platform did not state definitely whether the revision was to be upward or downward. The general public preferred to interpret it to mean

downward revision, but feared some treachery at the hands of the politicians who favored a high tariff. Hence in his campaign speeches Mr. Taft, the nominee, did what he could to remove any uncertainty as to the real meaning of the platform by emphatically declaring that he understood it to mean revision downward, as the public appeared to desire. In a similar manner he made clear and definite his views upon the subject of injunctions.[1] In 1916 the Republican platform spoke with some uncertainty upon the woman-suffrage issue; but Mr. Hughes soon came forward with an unequivocal declaration favoring the adoption of a suffrage amendment to the Federal Constitution.

To their campaign letters or speeches great weight is attached

These illustrations serve to bring out another important fact in present-day national politics. The letter or speech of a candidate accepting the nomination for the Presidency has come to be regarded as of equal importance with the party platform, if not of even greater importance. In the letter or speech of acceptance the candidate states his opinions and views on the great questions of the day, and these expressions have come to be regarded as the legitimate creed of the party. "Whether the President will keep the promises of the candidate, or not, in any event you hear not the manufactured voice of a machine, but the living accents of a man whose personality marks him out and lays him open to responsibility." [2]

[1] See summary of Mr. Taft's speech of acceptance, in *Outlook*, LXXXIX, 775, 786 (1908), and *Independent*, LXV, 330 (1908).

[2] Ostrogorski, II, 262.

In spite of its defects, the party platform cannot be entirely ignored. It always, sooner or later, demands and secures attention. A good many people will always consider it binding. The opposing party always attacks it. Those responsible for it also find themselves forced to defend it. In the long run it always has an appreciable influence on the course of the party which is committed to it.

National platform originated in 1832

Inseparable as the party platform now is from State and national politics, it has not always existed: prior to 1832 there was no such thing. The principles or policies of a party were gathered from more or less formal letters written by the candidates themselves, or from resolutions adopted by political gatherings here and there. The convention of National Republicans, or Whigs, held in Baltimore in December, 1831, recommended that a national assembly of young men meet in Washington, D. C., in May, 1832. This "Young Men's National Republican Convention" adopted a series of ten resolutions as embodying the principles of the party. This was the first formal platform of a national political party in this country. It was not until 1840, however, that there appeared the first platform formulated and adopted as at present by a national nominating convention, that of the Democratic party at Baltimore.[1]

A Presidential campaign without a formal platform is almost inconceivable at the present time. The same is almost equally true of a State campaign. The State convention of each party in State campaigns

[1] Stanwood, 157, 199; J. A. Woodburn, *Political Parties and Party Problems* (1914), 43, 278.

Platform in State campaigns and its national significance

issues a more or less formal platform, which has the same general characteristics as the national platform, although, naturally, less space is devoted to national topics and greater consideration is given to State issues. Not infrequently the State platform of a party in control of the national government contains some indorsement of the existing national administration. Such evidences of approval are eagerly sought in the more important States by the chief supporters of the administration.

The introduction and consideration of such expressions of approval afford opportunities to test the strength of the national administration and of the dissident elements within the party in the States concerned. In so far as one State or group of States can be regarded as typical of conditions or sentiment in the country as a whole, these State platform utterances of approval or disapproval, or even their silence with reference to the national administration, are regarded as significant.

QUESTIONS AND TOPICS

1. In what sense is it correct to say that Thomas Jefferson and Andrew Jackson were the founders of the present Democratic party?
2. An account of the origin of the present Republican party.
3. The variations in the official name of the present Republican party, 1860–1868, and the reasons. (See Dunning.)
4. From a careful study of the platforms of the old Whig party, make a summary of the principles or policies of that party. Also compare this summary with the first platforms of the Republican party, 1856 and 1860. (See Stanwood, and Ormsby's *History of the Whig Party*.)
5. In how many and in what respects did political conditions of 1908–1912 resemble political conditions of 1836–1840?

6. The chief issues of the campaign of 1916 as presented in the campaign speeches of President Wilson, Mr. Hughes, and Colonel Roosevelt.

7. Recent history of the Republican party in the doubtful Southern States. (See Lissner.)

8. The struggle over the currency question in the Democratic convention of 1904 and Judge Parker's telegram. (See Dennis.)

9. The fight on the labor and injunction planks in the Republican and Democratic conventions of 1908. (See *Rev. of Rev.* and *Charities*, XXI, 419.)

10. Verify or disprove the charge contained in the Democratic platform of 1908 relative to the increase of Federal office-holders under recent Republican administrations.

11. What claims in the Democratic platform of 1916 and what criticisms in the Republican platform seem to you to be unwarranted or exaggerated?

12. To what extent did the 61st, 62d, 63d, and 64th Congresses fulfil the pledges contained in the Republican platform of 1908 and the Democratic platform of 1912? (See President Taft's letter to Congressman McKinley, and *Outlook*, XCV, 508, and XCVI, 48.)

13. The contests in the State Republican conventions of Ohio, Iowa, Kansas, Minnesota, and New York in 1910 over the indorsement of President Taft's administration.

14. In English and Continental politics, what corresponds to, or takes the place of, the American party platform? (See Jephson, and Lowell's *The Government of England*, and *Government and Parties in Continental Europe*.)

15. Compare the platforms of the Republican or Democratic party between 1856 and 1876 with the platforms of the same party since 1876 for the purpose of showing the relative importance or prominence of economic questions and questions that are chiefly of a political nature.

16. Analyze and explain the "New Sectionalism" which appeared in national politics, 1876–1896. (See Haynes.)

17. Compare the principles of the Federalist and Jeffersonian Republican parties. What caused the downfall of the Federalists in 1800?

18. The capture of the Democratic party by the slave-holding oligarchy, 1840–1860.

19. The debate in the Democratic convention of 1860 over the Dred Scott decision plank.

20. In what sense did the Democratic party claim that the Republican party, 1856–1860, was not a national party?

21. Summarize the important developments in national politics, 1912–1916. (See *American Year Book.*)

22. In what particulars was it true in 1916 that "the real issue between the Democratic and Republican parties is determined not by their platforms but by their history"? (See *Outlook*, CXIII.)

23. President Wilson's conduct of our foreign affairs as a campaign issue in 1916.

24. President Wilson and the second-term plank in the Democratic platform of 1912.

25. President Wilson, the Democratic Congress, and the Panama-tolls clause in the Democratic platform of 1912.

26. Sectionalism as an issue in 1916.

27. The Adamson "Eight-Hour Law" as a campaign issue in 1916.

BIBLIOGRAPHY

Abbott, E. H., "The Outs In," in *Outlook*, CIV, 982 (1913). On the Democratic Congress.

American Year Book, *1912*, pp. 1–40, "Parties, Politics and the Presidential Campaign"; *1913*, pp. 58–67, "Politics and Parties"; *1914*, pp. 47–55, "Politics and Parties"; *1915*, pp. 74–80, "Politics and Parties."

Arbuthnot, C. C., "An Economic Interpretation of Present Politics," in *Popular Science Monthly*, LXXXI, 183 (1912).

Beard, C. A., *American Government and Politics* and *Readings*, ch. 6.

Bonaparte, C. J., "Why I Must Vote for Hughes," in *Outlook*, CXIV, 332 (1916).

Brooks, Noah, *Short Studies in Party Politics*, ch. 4, "The Party Platforms of Sixty Years."

Brown, L. A., "Wilson, the Candidate," in *Rev. of Rev.*, LIV, 41 (1916).

—— "The President on the Independent Voter," in *World's Work*, XXXII, 494 (1916).

Bryan, W. J., "The Democratic Party's Appeal," in *Independent*, LXV, 872 (1908).

Bryce, James, *The American Commonwealth*, II, chs. 53–56 (4th edition).

Collier's, LVIII, November 4, 1916, p. 14, "The Democratic Record," under President Wilson.

—— LVIII, November 11, 1916, p. 10, "Mr. Wilson's Mind."

Congressional Record, 2d session, 61st Congress, 1910–1911.

Cooper, T. V., and Fenton, H. C., *American Politics* (1889). Contains many platforms before 1884 and much miscellaneous material.

Creel, George, "Can Wilson Win?" in *Century*, XCII, 266 (1916).

Croly, Herbert, "The Two Parties in 1916," in *New Republic*, VIII, 286 (1916).

Curtis, Francis, *The Republican Party*. A biassed party history, in two volumes.

Davenport, F. M., "The Case for Hughes," in *World's Work*, XXXII, 650 (1916).

—— "The Farmers' Revolution in North Dakota," in *Outlook*, CXIV, 325 (1916).

—— "Across the Continent with Hughes," in *Outlook*, CXIV, 88 (1916).

—— "Hughes and the People of the West," in *Outlook*, CXIV, 141 (1916).

—— "The Last Stand of Political Bourbonism," in *Outlook*, CXIV, 644 (1916).

Democratic Campaign Text-Book. Issued in every Presidential campaign.

Dennis, A. P., "The Anomaly of Our National Conventions," in *Pol. Sci. Quar.*, XX, 185 (1905). Comments on the Democratic convention of 1904.

Dunn, S. O., "The Threatened Strike on the Railways," in *No. Am. Rev.*, CCIV, 575 (1916).

Dunning, W. A., "The Second Birth of the Republican Party," in *Am. Hist. Rev.*, XVI, 56 (1910).

Elder, S. J., "The Republican Party" (1912), in *Yale Rev.*, II, 1 (1912).

Eliot, C. W., "The Achievements of the Democratic Party and Its Leader Since March 4, 1913," in *Atlantic Monthly*, CXVIII, 433 (1916).

Englishman, An, "The Comedy of American Party Platforms," in *Harper's Weekly*, LII, October 24, 1908, p. 11.

Everybody's, XXXV, 292 (1916), "Says Senator Owen, Democrat—Says Senator Harding, Republican." On the campaign issues of 1916.

Fitch, J. A., "Settling a Strike by Congressional Enactment," in *Survey*, XXXVI, 599 (1916).

Ford, H. J., *Rise and Growth of American Politics* (1898), ch. 12.

Fuller, Paul, "The Case for Wilson," in *World's Work*, XXXII, 641 (1916).

Gardner, H. N., "Democratic Prosperity: a Reply to Theodore Price," in *Outlook*, CXIV, 377 (1916).

Hammond, J. H., "The Political Issues of 1916," in *Forum*, LVI, 22 (1916).

Hapgood, Norman, "The Flagrant Issues," in *Independent*, LXXXVII, 416 (1916).

—— "Mr. Wilson's Leadership," in *Independent*, LXXXVIII, 15 (1916).

—— "Wilson, Tested; Hughes, Dangerous," in *Independent*, LXXXVIII, 230 (1916).

Harvey, George, "The Verdict at the Polls," in *No. Am. Rev.*, CC, 802 (1914). On the congressional elections, 1914.

—— "The Right Hon. Sir Josephus, N. C. B.," in *No. Am. Rev.*, CCI, 481 (1915).

—— "Wilson and a Second Term," in *No. Am. Rev.*, CCIII, 161 (1916).

—— "Political Pledges," in *No. Am. Rev.*, CCIV, 161 (1916). On Democratic platform pledges of 1912 and 1916.

—— "The Political Situation, 1916," in *No. Am. Rev.*, CCIV, 321 (1916).

—— "For President, Charles Evans Hughes," in *No. Am. Rev.*, CCIV, 481 (1916).

Haynes, F. E., "The New Sectionalism," in *Quar. Jour. Econ.*, X, 269 (1896).

Hendrick, B. J., "The Recall of Justice Hughes," in *World's Work*, XXXII, 397 (1916).

—— "The New Order in Washington," in *World's Work*, XXVII, 314 (1914). On conditions in the early part of President Wilson's administration.

Hill, D. J., "President Wilson's Administration of Foreign Affairs," in *No. Am. Rev.*, CCIV, 345, 550 (1916).

Hughes, C. E., "Shall Force or Reason Rule?" in *Independent*, LXXXVII, 62 (1916).

Independent, The, LXIV, 1456 (1908), "The Republican Platform."

—— LXV, 159 (1908), "The Denver Platform."

—— LXV, 330, "Mr. Taft's Speech of Acceptance" (1908).

—— LXXIII, 855 (1912), "The Parties Compared."

—— LXXXVII, 450 (1916), "Which Side and Why?" Letters from *Independent* readers.

Jephson, H., *The Platform: Its Rise and Progress.* Deals with English politics.

Kleeburg, G. S. P., *The Formation of the Republican Party* (1911).

Larned, J. N., "A Criticism of Two-Party Politics," in *Atlantic Monthly*, CVII, 289 (1911).

Leupp, F. E., "The Democratic Convention" (1904), in *Outlook*, LXXVII, 638 (1904).

Libby, O. G., "A Sketch of the Early Political Parties in the U. S.," in University of North Dakota, *Quarterly Journal*, II, No. 3 (1912).

Lippman, Walter, "The Case for Wilson," in *New Republic*, VIII, 263 (1916).

Lissner, Edward, "The Republican Party in the Doubtful South," in *Harper's Weekly*, LII, February 22, 1908, p. 13.

Literary Digest, LII, 1762 (1916), "A Comparison of the Chicago Platforms" (Republican and Progressive, 1916).

—— LIII, 335 (1916), "Why Hughes Finds Wilson Wanting."

—— LIII, 654 (1916), "The President's Defence of His Record."

—— LIII, 818 (1916), "Progressive Leaven in the Republican Lump."

—— LIII, 871 (1916), "A Presidential Straw Vote of Union Labor."

—— LIII, 875, "Hughes and Wilson on the Eight Hour Law."

—— LIII, 983 (1916), "He Kept Us Out of War."

—— LIII, 1020 (1916), "Sizing Up the German Vote."

Literary Digest, LIII, 1087 (1916), "Political Reports from 3,000 Communities."
—— LIII, 1155 (1916), "30,000 Straw Votes in Five Doubtful States."
—— LIII, 1157 (1916), "We Are 'At War' in Mexico."
—— LIII, 1158 (1916), "Mr. Baker's Republican Tornado."
—— LIII, 1312 (1916), "Why Wilson Won."
—— LIII, 1391 (1916), "How Labor Voted," in 1916.
—— LIII, 1392 (1916), "How the Progressives Voted," in 1916.
—— LIII, 1394 (1916), "How the 'Hyphen' Voted," in 1916.
McCormick, R. R., "The Next President," in *Century*, XCII, 161 (1916).
McKee, T. H., *The National Conventions and Platforms of All Political Parties, 1789 to 1900.*
McLaughlin & Hart's *Cyclopedia of American Government*, I, 565, "Democratic Party"; 576, "Democratic-Republican Party"; III, 189, "Republican Party."
Merriam, C. E., "The Political Theory of Jefferson," in *Pol. Sci. Quar.*, XVII, 24 (1902).
Moffett, S. E., "Mr. Bryan's Convention," in *Rev. of Rev.*, XXXVIII, 182 (1904). On the Democratic convention of 1904.
Morse, A. D., "Causes and Consequences of the Party Revolution of 1800," in Am. Hist. Assn. *Report*, I, 531 (1894).
—— "Our Two Great Parties: Their Origin and Task," in *Pol. Sci. Quar.*, VI, 593 (1891), VII, 522 (1892).
Nation, The, CIII, 435 (1916), "A Political Revolution," in 1916.
New International Year Book, 1908, p. 579 ff. Gives platforms and discusses the issues of the campaign of 1908.
New Republic, IX, 3 (1916), "Wilson and Roosevelt."
—— IX, 5 (1916), "Mr. Hughes Finds an Issue."
—— IX, 7 (1916), "The Final Blunder of Mr. Hughes."
—— IX, 63 (1916), "The Two Parties After the Election," of 1916.
Ostrogorski, M., *Democracy and the Organization of Political Parties* (1902), II, 261–263.
—— *Democracy and the Party System in the United States* (1910), pp. 147–148. An abridgment and revision of the author's larger work cited above.

Outlook, LXXXIX, 412 (1908), "The Republican Platform" (1908).
—— LXXXIX, 597 (1908), "The Democratic Platform" (1908).
—— LXXXIX, 775, 786 (1908), "Mr. Taft's Speech of Acceptance."
—— LXXXIX, 786 (1908), "Concerning Injunctions." A comparison of the "labor planks" in the Republican and Democratic platforms of 1908.
—— XCV, 753 (1910), "The Ohio Republican Convention."
—— C, 886 (1912), "The Presidential Issue" (1912).
—— CI, 812 (1912), "Shaky Platform Planks," in 1912.
—— CIII, 567 (1913), "The Sixty-Second Congress." Its record.
—— CVI, 523 (1914), "The First Year of the Wilson Administration."
—— CXIII, 399 (1916), "Mr. Hughes and the Presidential Issues."
—— CXIII, 532 (1916), "Hughes, Roosevelt and Union."
—— CXIII, 581 (1916), "The Real Issue."
—— CXIV, 127 (1916), "The Record of Congress," 1st session, 64th Congress, December, 1915–August, 1916. List of "good," "bad" and "mixed" enactments.
—— CXIV, 245, 254 (1916), "President Eliot's Support of President Wilson." Reply to President Eliot's article in *Atlantic Monthly*.
—— CXIV, 573, 597 (1916), "The Presidential Election," of 1916.
—— CXIV, 636 (1916), "Why President Wilson Was Elected."
—— CXIV, 306 (1916), "The Mexican Policy of President Wilson from a Mexican Point of View."
Perley, F. E., "The Mathematics of the Presidential Election," in *World's Work*, XXXII, 534 (1916).
Poe, Clarence, "The South: Backward and Sectional, or Progressive and National?" in *Outlook*, CXIV, 328 (1916).
Pomeroy, E. C., "Our Next President," in *Forum*, XLVIII, 513 (1912).
Price, T. H., "President Wilson and Prosperity," in *Outlook*, CXIII, 941, 998 (1916).
Republican Text-Book for the Congressional Campaign, 1910, 1914.

Review of Reviews, XXX, 186 (1904), "The National Democratic Convention at St. Louis."

—— XXXVIII, 8 (1908), "Making the Party Platform at Chicago."

—— XXXVIII, 269 (1908), "Are Platforms Binding?"

—— XLIII, 337 (1911), "Will There Be a New Party?"

—— LIV, 467 (1916), "Breaking Party Fences." On campaign of 1916.

—— LIV, 579 (1916), "The Presidential Election," of 1916. Gives maps.

Ripley, W. Z., "The Railroad Eight Hour Law," in *Rev. of Rev.*, LIV, 389 (1916).

Rogers, H. W., "The Democratic Party," in *Yale Rev.*, II, 33 (1912).

Roosevelt, Theodore, "Platform Insincerity," in *Outlook*, CI, 659 (1912). On 1912 Republican and Democratic platforms.

Schurman, J. G., "Tested by a Crisis," in *Independent*, LXXXVII, 417 (1916). On President Wilson's administration.

—— "Why Progressives Want Hughes," in *Independent*, LXXXVIII, 14 (1916).

—— "Wilson's Mexican Failure," in *Independent*, LXXXVIII, 103 (1916).

—— "We Want Hughes: Why?" in *Independent*, LXXXVIII, 228 (1916).

Seilhamer, G. O., *Leslie's History of the Republican Party, 1856–1898*, 2 vols.

Serri, F. R., "Mr. Hughes and the Railroad Issue" (1916), in *Outlook*, CXIV, 342 (1916).

Shaw, W. B., "Charles E. Hughes as a Political Figure," in *Rev. of Rev.*, LIV, 46 (1916).

Stanwood, Edward, *A History of the Presidency* (1898). Gives all the party platforms down to and including those of 1896 and also an account of each Presidential campaign.

—— *A History of the Presidency from 1897 to 1909* (1912).

Taft, W. H., "The Republican Party's Appeal," in *Independent*, LXV, 866 (1908).

—— "Letter of Acceptance." in *Republican Campaign Text-Book, 1908.*

Taft, W. H., "Letter to Hon. William B. McKinley," Chairman of the Republican Congressional Campaign Committee, August 20, 1910, in *Republican Text-Book for the Congressional Campaign, 1910.* This letter enumerates the promises of the Republican platform of 1908 which were fulfilled by the 61st Congress.

Usher, R. G., "The Case for Hughes," in *New Republic*, VIII, 267 (1916).

Villard, O. G., "The Mystery of Woodrow Wilson," in *No. Am. Rev.*, CCIV, 362 (1916).

Watkins, Albert, "Failure of the Two-Party System," in *Forum*, XXXI, 643 (1901).

Wayland, J. W., *The Political Opinions of Thomas Jefferson* (1907).

Wetherbee, S. A., "What Is the Matter with Mexico?" in *Forum*, LVI, 268 (1916).

Willcox, W. R., "Why Hughes Should Be Elected," in *Forum*, LVI, 430 (1916).

Wilson, H. L., "Last Phases in Mexico," in *Forum*, LVI, 257 (1916).

Wilson, Woodrow, "The Democratic Party's Appeal," in *Independent*, LXXXVIII, 149 (1916).

Wister, Owen, "If We Elect Mr. Wilson," in *Collier's*, LVIII, November 4, 1916, p. 5.

Wood, E. F., "The New Army Act and the Militia," in *Century*, XCII, 801 (1916).

Woodburn, J. A., *Political Parties and Party Problems* (1914), chs. 1–6.

World Almanac, The. This work, issued annually, gives, in easily accessible form, national and State platforms and other useful political information not easily accessible elsewhere. Though usually accurate, care should be taken to verify statistics.

World's Work, The, XX, 13229 (1910), "An Unusual Congressional Record." On the fulfilment of 1908 campaign pledges.

—— XXXII, 367 (1916), "The President, Why He Should and Should Not Be Reelected."

—— XXXII, 369 (1916), "Mr. Hughes, Why He Should and Should Not Be Elected."

—— XXXII, 483 (1916), "Mr. Hughes' Campaign Outlined."

CHAPTER III

"THIRD" PARTIES. THE NATIONAL PROGRESSIVE PARTY AND ITS PLATFORM OF 1912. THE SOCIALIST PARTY AND ITS PLATFORM OF 1916

Minor parties have rarely become "great" parties

The commanding prominence of two great political parties is most conspicuous in the politics of the United States and Great Britain. So prominent and so firmly intrenched is this "two-party system" that it is customary to refer to all other parties, collectively and severally, as minor or "third" parties. At times minor or third parties have exerted a potent influence upon the political history of this country. As a general rule, however, it has been difficult to induce voters to leave the two great parties which, for the time being, have occupied the foreground, for the sake of voting with a third party. The probability of such a party's carrying a national or even a State election is usually very remote. No third party has risen to a commanding position since the rise of the Republican party sixty years ago, unless we except the National Progressive party.

To organize a new party, national in scope and capable of competing successfully with the two great parties, involves enormous labor and expense, and has appeared more and more hopeless as the country has expanded territorially and increased in population. Republicans and Democrats may be thor-

oughly disgusted with their own party; nevertheless, they have been content for the most part to vote with it or to vote with the opposition in order to rebuke their own party, choosing for the time being what they regard as the lesser of two evils.[1] It has been difficult and wellnigh impossible to induce them to "throw away" their votes, as they consider it, by voting the ticket of a third party. Many even prefer to stay away from the polls. In spite of this, third parties serve an important purpose, though sometimes they are made use of by unscrupulous and designing politicians as a means of corrupt bargaining or trading with the two great parties.

Minor parties often exert important influence and serve useful purpose

Third parties have generally been composed of men of earnest convictions and zealous purposes, and at times they have had a modifying or restraining influence upon the course of one of the old parties. Sometimes they have even sharply turned the course of party history. They are often organized and directed by earnest and patriotic men, who, caring little for the causes at issue between the old parties, use a third party as a means for agitation and education, and as a means of enabling a considerable body of political opinion to find rational expression at the ballot-box.

The idea that men must vote with one of two parties is very illogical and at times leads to absurd political inconsistencies. It has led citizens to vote for men whom they did not trust and to subscribe to principles in which they did not believe. "It is often an obstacle to healthy political education and

[1] Woodburn (1914), 206–208.

development. It tends to induce men to subordinate their real convictions to the mere idle purpose of rallying under a traditional party name to carry an election. Rational politics requires that men should stand and vote together for what they think is paramount. To go with a party which the voter thinks is fundamentally wrong or is headed entirely in the wrong direction, merely because the other party is worse, is not calculated to make for wholesome politics or for the ultimate benefit of the country. Third parties do a great service in enabling voters to stand up for their opinions." [1]

The National Progressive party

The most recent "third"-party movement is the outgrowth of the "insurgent" or "progressive" movement alluded to in the preceding chapter. This movement has been in progress for a number of years within the Republican party and to a less degree within the Democratic party also. In the summer of 1912 a large and influential element within the Republican party, finding conditions within that party intolerable, launched the movement for a new party under the name of the National Progressive party. An enthusiastic and very largely attended national convention of those in sympathy with the new movement was held in Chicago in August, 1912, at which an elaborate platform was adopted,[2] and ex-President Theodore Roosevelt and Governor Hiram Johnson of California were nominated for President and Vice-President, respectively.

[1] *Ibid.*

[2] The summary of the National Progressive platform which follows is taken from *Outlook*, CI, 869 (1912).

The Progressive vote in the Presidential election of 1912

The circumstances attending the birth of this new party augured well for a degree of success unusual in such third-party movements. In the election of 1912 the Progressive party stood second to the Democratic party in the size of its electoral and popular vote and polled nearly half a million more votes than the Republican party. It ranks, therefore, as the most formidable third-party movement since 1860.

The Progressive platform summarized

The National Progressive platform or "covenant with the people," briefly summarized, declared for the following policies:

I. POLITICAL REFORMS

1. Direct primaries.
2. Nation-wide Presidential-preference primaries.
3. Direct election of United States senators.
4. The short ballot and the initiative, referendum, and recall in the States.
5. A more easy and expeditious method of amending the Federal Constitution.
6. The bringing under effective national jurisdiction of those problems which expand beyond the reach of the individual States.
7. Equal suffrage for men and women.
8. Limitation of campaign contributions and expenditures and publicity before as well as after primaries and elections.
9. Laws requiring the registration of lobbyists, publicity of committee hearings, and recording of all votes in committee.
10. Prohibiting Federal appointees from taking part in political organizations and political conventions.
11. Popular review of judicial decisions on laws for securing social justice.
12. The review by the Supreme Court of the United States of decisions of State courts declaring legislative acts unconstitutional.
13. The reform of legal procedure and judicial methods.

14. The prohibition of the issuance of injunctions in labor disputes when such injunctions would not apply if no labor dispute existed.

15. Jury trial for contempt in labor disputes except when the contempt was committed in the presence of the court.

II. SOCIAL AND INDUSTRIAL REFORMS

16. Effective legislation looking to the prevention of industrial accidents, occupational diseases, overwork, involuntary unemployment, and other injurious effects incident to modern industry.

17. The fixing of minimum safety and health standards for the various occupations and the exercise of the public authority to maintain such standards.

18. The prohibition of child labor.

19. Minimum wage standards for working women, to provide a "living wage" in all industrial occupations.

20. The general prohibition of night-work for women and the establishment of an eight-hour day for women and young persons.

21. One day's rest in seven for all wage-workers.

22. The eight-hour day in continuous twenty-four-hour industries.

23. The abolition of the convict contract labor system; substituting a system of prison production for governmental consumption only, and the application of prisoners' earnings to the support of their dependent families.

24. Publicity as to wages, hours, and conditions of labor; full reports upon industrial accidents and diseases and the opening to public inspection of all tallies, weights, measures, and check systems on labor products.

25. Standards of compensation for death by industrial accident and injury and trade disease which will transfer the burden of lost earnings from the families of working people to the industry and thus to the community.

26. The protection of home life against the hazards of sickness, irregular employment, and old age through the adoption of a system of social insurance adapted to American use.

27. The establishment of continuation schools for industrial education.

28. The establishment of industrial-research laboratories.

29. The establishment of a department of labor.

30. The development of agricultural credit and co-operation.

31. The encouragement of agricultural education.

32. The establishment of a country-life commission.

33. Full and immediate inquiry into the high cost of living and immediate action dealing with every need disclosed thereby.

34. A national health service.

III. INTERSTATE AND FOREIGN COMMERCE

35. Establishment of a strong Federal administrative commission to maintain permanent, active supervision over industrial corporations as the government now does over national banks and, through the Interstate Commerce Commission, over railways.

36. The strengthening of the Sherman law by specific prohibitions.

37. The enactment of a patent law to prevent the suppression or the misuse of patents in the interest of injurious monopolies.

38. Giving the Interstate Commerce Commission the power to value the physical property of railways.

39. The abolition of the commerce court.

40. Prompt legislation for the improvement of the national currency system which shall give the government full control over the issue of currency notes.

41. The appointment of diplomatic and consular officers solely for fitness and not for political expediency.

42. The construction of national highways.

43. The extension of the rural free delivery service.

44. The comprehensive development of waterways.

45. The operation of the Panama Canal so as to break the transportation monopolies now held and misused by transcontinental railways.

46. A protective tariff which shall equalize conditions of competition between the United States and foreign countries, both for the farmer and the manufacturer, and which shall maintain for labor an adequate standard of living. An immediate downward revision of the tariff.

47. A non-partisan, scientific tariff commission.

48. A parcels post with rates proportionate to distance and service.

49. Governmental supervision for the protection of the public from fraudulent stock issues.

IV. MISCELLANEOUS

50. The retention of forest, coal, and oil lands, water and other natural resources in the ownership of the nation.

51. The retention of the natural resources of Alaska in ownership by the nation and their prompt opening to use upon liberal terms requiring immediate development.

52. For Alaska the same measure of local self-government that has been given to other American Territories.

53. A graduated inheritance tax.

54. The ratification of the amendment of the Constitution giving the government power to levy an income tax.

55. Introduction of judicial and other peaceful means of settling international differences.

56. An international agreement for the limitation of naval forces and, pending such an agreement, the maintenance of the policy of building two battle-ships a year.

57. Protection of the rights of American citizenship at home and abroad.

58. Governmental action to encourage the distribution of immigrants and to supervise all agencies dealing with them, and to supervise and promote their education and advancement.

59. A wise and just policy of pensioning American soldiers and sailors.

60. The rigid enforcement and extension of the civil service act.

61. A readjustment of the business methods of the national government and a proper co-ordination of the Federal bureaus.

Apparent reunion of Progressives and Republicans, 1912-1916

During the four years following the Presidential campaign of 1912 the National Progressive party maintained strong national and State organizations, and was such a potent factor in State and local elec-

tions that many of the legislative measures advocated in its platform of 1912 were incorporated in Federal and State laws. The congressional and State elections occurring in 1914 and 1915, however, revealed a marked tendency on the part of Progressives to support Republican candidates and to give up their independent party organization. This was due largely to the fact that Republican leaders, chastened by the defeat of 1912, gave unmistakable signs of a desire to win back the Progressives and consequently exhibited a spirit of conciliation and concession. This, together with the appearance of new issues growing out of the European war and the Mexican complications, epitomized in the popular phrases "Americanism" and "Preparedness," as well as a common dissatisfaction with the administration of President Wilson, seemed to make it comparatively easy for the greater portion of the Republicans and Progressives to forget their old animosities and to join forces once more as Republicans in order to prevent, if possible, the return of the Democratic party to power in 1916.

Radical Progressives rejected Mr. Hughes

Consequently, when the Progressive and Republican national conventions of 1916 found themselves in substantial harmony respecting these and most other issues, and foresaw inevitable defeat for both parties if they continued to be divided, Colonel Roosevelt declined the Progressive nomination for the Presidency and advised all Progressives to unite in support of Mr. Hughes, the Republican nominee. This reunion was resisted by a small minority of the more radical Progressives, but apparently met with

the approval of the great majority of that party at least in the early part of the campaign of 1916. The irreconcilables protested this amalgamation and declared that they would maintain a separate ticket in the ensuing election headed solely by the party's nominee for the Vice-Presidency, Colonel John M. Parker of Louisiana. As the campaign progressed not a few of the former Progressive leaders, including Colonel Parker, came out openly in support of the Democratic candidate. The election returns in November indicated that this dissident element in the Progressive party was more numerous than had been supposed, that the schism of 1912 had been only partially healed, and that thousands of former Progressives, especially in Western States, preferred President Wilson to Mr. Hughes, whom they distrusted, in part at least because of his apparently close affiliation with the reactionary wing of the Republican party. There probably has not been a Presidential election since the Civil War in which there was such a large amount of split-ticket or independent voting as that of 1916. Evidently one permanent result of the party revolution of 1912 was to release from their former allegiance to the Republican party a large mass of voters upon whom party ties rest lightly and who must be reckoned with as "independents" in future campaigns.

Rapid growth of Socialist party

In the last two decades the third parties which at one time or another have attained to positions of influence and importance are the Prohibition party, the Populist party, and the Socialist party. The last, by reason of its rapid growth and its distinctive doc-

trines, could fairly be regarded before 1912 as the most important of the recent minor parties. The Socialist party's rapid accession of voters in the United States has made it a factor to be reckoned with in national, State, and municipal politics. The *combined* Socialist vote in the recent Presidential campaigns has been as follows:

	VOTE	INCREASE	PER CENT GAIN
1892.....	21,164		
1896.....	36,274	15,110	71.4
1900.....	127,553	91,279	248.8
1904.....	433,537	305,984	239
1908.....	463,800	30,337	7
1912.....	927,180	463,380	100
1916*.....	750,000	—177,180	19. (—)

*Estimated

In the Presidential elections of 1904 and 1912 every State recorded at least a few votes for the Socialist ticket. In 1908 only two States failed to record any Socialist votes. The enormous gain of 239 per cent which the party had made in 1904 had led some to predict that the election of 1908 would bring close to a million votes to the Socialist ticket. This prediction was not fulfilled. In all the States in which the Socialist party had polled its heaviest vote in 1904, with three exceptions, there was a marked falling off, reaching as high as 50 per cent in Illinois. The three exceptions were Indiana, in which there was a gain of nearly 4 per cent, Missouri, with a gain of over 11 per cent, and Pennsylvania, with a gain of 60 per cent. These gains with those made in other parts

of the country more than offset the losses mentioned above. The total combined Socialist vote reached 463,800, a gain of nearly 7 per cent over the combined Socialist vote of 1904.

Socialist gains in 1910

The results of the State and congressional elections of 1910 contained much to encourage the Socialists. From practically all parts of the country the reports indicated a decided Socialist advance. The gain was most marked on the Pacific coast, particularly in Los Angeles and San Francisco, and in the Northwest, particularly in Milwaukee, in Chicago, and in Columbus, Ohio. Charles Edward Russell, running for governor of New York, doubled the vote polled by the Socialist candidate in the previous election and even ran ahead of W. R. Hearst, the candidate on the Independence League ticket. Minneapolis came within a thousand votes of electing a Socialist mayor, while Columbus, Ohio, and one of the New York City congressional districts came equally near electing Socialist congressmen. Milwaukee not only had the distinction of having placed the entire city government in the hands of the Socialists, but had the additional distinction of electing the first Socialist member of Congress, Victor L. Berger. In Milwaukee County the Socialists elected their entire county ticket by pluralities ranging from 5,000 to 7,000, the latter being the plurality of W. A. Arnold, the candidate for sheriff. In addition to this, the Socialists elected thirteen members of the legislature from Milwaukee County, including one senator and twelve assemblymen.[1] The total vote polled by Socialist

[1] *Literary Digest*, XLI, 921 (1910).

candidates in 1910 approximated 605,000, an increase of 23.4 per cent over the vote of 1908.

Public offices held by Socialists in 1913

The total number of Socialists "officially reported" as holding office on the first of May, 1913, was 667. This number includes 21 members of State Legislatures in nine States (3 senators and 18 representatives), 34 mayors of cities, 230 aldermen, 106 other municipal offices, 150 county offices, and 126 school offices.[1]

The principles of Socialism

The principles and organization of a political party which has been growing so rapidly deserve detailed consideration by all students of American politics.

It is difficult to define either Socialism or a Socialist. There are different brands of Socialism and different varieties of Socialists. Some Socialists are radical, while others are conservative; some emphasize one set of principles and *modus operandi*, while others lay stress upon other principles and a different programme. Volume after volume has been written upon Socialism and Socialists by both friends and critics, and from such varying points of view that the average student is quite bewildered. To add to his confusion, he finds the ultra-conservatives in both great parties stigmatizing as *socialistic* certain reforms advocated by members of their own parties which they regard as too radical.

In the following discussion of Socialism only a few broad generalizations can be advanced. These are subject to numerous exceptions and variations; but on the whole it is hoped and believed that they do

[1] *Socialist Congressional Campaign Book, 1914*, p. 310; see also R. F. Hoxie, in *Jour. Pol. Econ.*, XIX, 609 (1911).

not materially misrepresent the main principles of economic and political Socialism; for Socialism is at one and the same time an economic theory and a programme of political action. One accordingly finds Socialism a proper subject of discussion in text-books on both economics and politics.

Socialism includes an *economic creed* having a *negative* and a *positive* side

As an *economic creed*, Socialism may be said to have two aims, a negative and a positive, each directed primarily to the betterment of the condition of the so-called working or wage-earning classes. Considered with reference to its *negative* side, Socialism appears as a movement of protest against the existing economic order. Socialists teach that society, under the present capitalist and wage system, is divided into two great economic classes. One of these classes includes a comparatively small body of men, the capitalists, who own substantially all the tools and implements of industry by means of which wealth is created. This class very largely, if not wholly, determines the conditions under which labor is carried on and the wages which the workers shall receive. The other and vastly greater class consists of the employees or wage-earners who do practically all the work of creating wealth with these tools and implements of industry. Against this division of society and the consequences flowing from it Socialism brings its indictment.[1]

The Socialist protests (1) against the exploitation of the wage-earner by the capitalists. By this the Socialist means to say that the wage-earners as a class are universally getting less for their services

[1] *Outlook*, LXXXIV, 10 (1906); *ibid*, XCV, 831 (1910).

than they are really worth, while the capitalist profits thereby unreasonably and unjustly. This exploitation is regarded as an inevitable result of the private ownership of the means of the production and distribution of wealth.

Socialists protest (2) that the present economic régime permits the growth of private monopolies and offers no effective means of checking them. This is another inevitable result of the private ownership of natural resources and the means of production.

The Socialist sees (3) only chaos in the present arrangement of society and the lack of any plan for the constructive development of all its parts. The world appears as a bundle of contradictions to the Socialist. Wherever he looks he sees good and bad, abundance and scarcity, the greatest extremes of wealth and poverty. "Whatever happens to be seems to him but the result of blind chance."

Socialists protest (4) against the wastefulness of the present economic system. For competition which is uneconomical they would substitute co-operation, which makes for economy. Under the competitive system much is done in duplicate and triplicate that could just as well be done once under a system of co-operation.

Finally, Socialists protest (5) against the essentially evil nature of competition, which seems to call out all the bad in human nature and to suppress much that is good. "To beat their competitors and make a profit, men adulterate food, employ child labor, violate factory inspection laws, and pay low wages." [1]

[1] Nearing and Watson, *Economics*, 470.

Expressed in other words, Socialism, on its negative side, seeks the abolition of those fundamental features of the present economic order which seem to justify its indictment, namely, the capitalist class, the wage system, the private ownership of land and natural resources, and private ownership of the tools, implements, or machinery by which wealth is created. Some Socialists would go so far as to do away with all private ownership of property. The more moderate Socialists would not totally abolish private property, but would merely confine it to things which minister directly to the satisfaction of human wants, as, for example, houses, clothes, food, and the like.

The *positive* side of the economic creed

But Socialism is more than a protest against the existing order. It has also a *positive* aim and a programme for the economic reconstruction of society. Having abolished the institution of private property, the Socialist believes that a general amelioration of society would take place if the entire ownership of land and the instruments used in producing wealth were transferred to the State or to the government as the agent of the State. The State or government would thus become the "director of all industrial undertakings. All business managers and workmen would then become government officials employed in government enterprises. Private initiative and competition in industry would be superseded by State initiative." [1] The details of the conduct of industries would be "intrusted to men who are technically familiar with its processes, precisely as it is now intrusted to managers by the stockholders of a corpo-

[1] *Ibid.*

ration; in short, the whole of industry will represent a giant corporation in which all the citizens are stockholders, and the state will represent a board of directors acting for the whole people." [1]

Concrete applications of these principles

Stated a little more concretely, Socialism means that the city, or county, or State, or the nation, each in its separate sphere, would own "all the trolleys, all the railways, all the factories, all the mines, all the forests; in a word, all these industrial enterprises which are now carried on by groups of men acting together." [2] Our government now owns the post-office, and most governments own the telegraph. "Nearly all," says Professor Ely, "own the wagon roads. Some own the canals and railways. Many governments own factories. Probably every government does at least a little manufacturing. Most governments cultivate forests and some cultivate arable lands. We have only to imagine an extension of what already exists until government enterprise *dominates* in manufactures, mining, transportation, and carries on, in short, most productive enterprises, and we have Socialism pure and simple." [3]

The socialized state would organize and direct this complicated industry as our government now organizes and directs the army, or the post-office, or the construction of the Panama Canal. It would "assign to every one his place in this great industrial organization," and would "take all the proceeds and divide them equitably among all the people." The

[1] E. V. Debs, in *Independent*, LXV, 879 (1908).
[2] *Outlook*, XCV, 833 (1910).
[3] R. T. Ely, *Outlines of Economics* (new and revised edition), 519.

state would become the employer, for the capitalist would cease to be, and all citizens of the state would be the employees. "Each man's task would be assigned to him by the state, and by the state the hours and conditions of his labor would be determined and his wages allotted." [1]

The means of achieving their realization

Regarding the means of realizing these positive aims of Socialism, one group, who may be designated as the revolutionary Socialists, looks forward to a general uprising on the part of the masses, who will first obtain control of the government, then confiscate all land and capital goods, and finally inaugurate the system of state-conducted industry. A second group condemns violent and revolutionary measures and looks forward, instead, to "a gradual transition to Socialism through a step-by-step extension of the functions of government, to be defended, at each stage, not by any preconceived preference for Socialism, but by the exigencies of each situation." Judged by its platforms of 1908 and 1912, the present Socialist party in the United States ought to be placed in this category. Still a third group of Socialists looks for the new system as the result of a revolutionary, though entirely voluntary, change approved by all classes because the competitive system will have become intolerable.[2]

***Economic* Socialism leads logically to *political* Socialism**

Acceptance of such an economic creed, in which the government would serve not only as the political but also as the industrial agent of society, seems to lead logically to an active participation in politics.

[1] *Outlook*, XCV, 833 (1910).
[2] H. R. Seager, *Introduction to Economics*, 527.

Only thus would it seem that Socialism can hope to realize both its negative and its positive aims. As a political party, therefore, the Socialists seek to obtain the support of a majority of the American voters in order to secure control of the government, national, State, or local. Accomplishing this, the party would be in a position to substitute the Socialist political-economic programme for the present capitalist and wage system. If the more moderate Socialists were in the majority, this change would be effected gradually and doubtless by strictly legal processes. Should the more revolutionary Socialists predominate, the transformation would be more abrupt and would doubtless be accompanied by more or less confiscation and disregard of existing legal rights. Or, failing in their efforts to obtain mastery of the governmental machinery, the Socialists hope to acquire such political strength that one or both great parties, needing and desiring their support, will be willing to concede some or all of the fundamental positions of Socialism and annex, so to speak, at least the substance of its programme of reform under a different name.

In the United States there are two Socialist parties

In Germany, France, Belgium, and recently in Great Britain, Socialists as a distinct party, or as a potent group within a larger party, constitute a political factor of the first importance. In the United States at the present time there are two Socialist parties, the Socialist Labor party and the Social-Democratic party, usually called merely the Socialist party.

The Socialist Labor party is the older of the two,

The Socialist Labor party

and for a period of about twenty years, between 1879 and 1899, it was the dominant factor in the Socialist movement in this country.[1] To-day the party is a mere remnant and plays a negligible part in American politics. Its total vote for President in 1904 was only 31,249, while in 1908 it dwindled to 15,421, although it rose to 29,259 in 1912. This party makes its appeal almost exclusively to the working classes. It declared in its platform of 1908 that "man cannot exercise his right of life, liberty, and the pursuit of happiness without the ownership of the land and the tools with which to work. Deprived of these, his life, liberty, and fate fall into the hands of the class that owns these essentials for work and production."[2] A radical appeal was made to the working classes to unite against the property-owning class. The radical character of the party was reflected in its Presidential candidate in 1908. The nominee was M. R. Preston, then serving a sentence of twenty-five years in the Nevada State Penitentiary for the murder of an employer committed while Preston was serving as a picket in time of strike. Preston is regarded by the Socialist Labor party as one of its martyrs in its warfare upon capitalism.[3] While declaring war upon the present régime, the Socialist Labor party puts forward no definite, practicable programme of reconstruction.

The Social-Democratic party, usually called the

[1] See Hillquit's *History of Socialism in the United States*.

[2] The platforms of both Socialist parties for 1908, 1912, and 1916 may be found in the *World Almanac* for 1910, 1913, and 1917, respectively.

[3] *Independent*, LXV, 891 (1908).

The Social-Democratic party

Socialist party, has been making rapid strides since its organization in 1897. In the Presidential election of 1912 it polled nearly a million votes. The majority of this party, unlike the majority of the Socialist Labor party, seem to entertain moderate rather than radical socialistic views: they are sometimes called opportunists. Nevertheless there is, even within this party, a radical element of considerable strength, which wishes to go further than the moderates in their plans for the overthrow of the old order. In its origin the Socialist party was the result of a fusion of two elements: one an element seceding from the Socialist Labor party having become dissatisfied with conditions in that party, and the other a new Socialist organization which had grown up outside the ranks of the Socialist Labor party. The person most active in organizing the party and most conspicuous in its subsequent history is Eugene V. Debs.[1]

Party organization of Socialists includes (1) "enrolled" members

The Socialist party has a well-developed and distinctive organization in practically every State. The nucleus of the organization consists of about 80,000 "enrolled" members. To become a member of the party and be entitled to participate in party government, one must sign an application form, indorsing the constitution and platform of the party, and proclaim severance of all relations with any other party. These 80,000 members are organized into about 3,000 "locals," a majority vote of a local being necessary for the enrolment of a new member. Women are admitted to membership on the same

[1] Hillquit, *op. cit.*

basis as men and participate as party officials and delegates.

Each "enrolled" member pays annual dues of three dollars in monthly instalments. After the manner of trade-unions, each enrolled member is given a membership card to which monthly dues stamps are attached when dues are paid. It is claimed that the dues system is "a most simple and effective method of financing the organization, and reduces the labor of accounting to a minimum. The dues system makes the mass membership responsible for the party's financing and prevents individual members from desiring or assuming a right to special privileges on the strength of being necessary to the party because of their ability to 'foot the bills'—a condition recognized as a part of the 'practical politics' of all other political organizations."

(2) A system of committees

The locals elect city, State, and national committees which administer the party affairs. There is a National Executive Committee which meets at frequent intervals. The chief executive of the party is the national secretary, who is elected by a referendum of the entire enrolled membership of the party, and has permanent headquarters or offices in Chicago.

(3) A corps of organizers who conduct a campaign of education

The national organization of the party maintains about twenty paid organizers in the field who are at work the year round organizing new locals, speaking, agitating, selling and distributing literature. Some of them are clergymen, others are trade-unionists and farmers. Besides the national organizers, every State and many counties and cities have their

own organizers, every local and often each small branch of a local has paid or voluntary organizers numbering probably several hundred in all. "Altogether there are probably not less than four thousand speakers at work every night of the year lecturing, campaigning, and selling literature."[1] Tons of literature are sent from the national office and from various Socialist publishing houses. Among the Socialist periodicals circulating in the United States one finds nine daily papers, three printed in English and six in foreign languages. The most important of these in the recent past have been the *New York Call* and the *Chicago Daily Socialist*, their circulation approximating a hundred thousand. In addition to these there are nearly forty weekly papers published in English and between twenty and thirty in some foreign language.[2] Altogether there are not far from one hundred avowedly Socialist newspapers in the country.

Their propaganda has been successful among trade-unionists

A leading Socialist, who is the authority for many of the foregoing statements, says that "at present there is perhaps more Socialist literature circulated in the United States than in any other country in the world, with the possible exception of Germany."[3]

It is this continuous campaign of education prosecuted with special vigor in every working-class district in the country that goes far toward explaining the rapid increase in the Socialist vote. Trade-

[1] *Review of Reviews*, XXXVIII, 293 (1908).

[2] *Ibid.*

[3] *Ibid.* In 1914 the Socialist party began the publication of *The American Socialist*, which is said to be the first party-owned weekly newspaper in this country. *American Year Book, 1914*, p. 407.

unions have been found to be valuable agencies for the diffusion of Socialist doctrines. "Every contest of magnitude between the employers and trade-unions is a Socialist opportunity, and no such opportunity is neglected. Socialist organizers and newspapers throw themselves strenuously into the fight. The occasion is made use of for the preaching of Socialist doctrine and the pointing of Socialist morals." One result is that the socialistic tendencies in trade-unions at the present time is a topic deserving thoughtful consideration by students of labor problems and politics. Since 1900 official declarations favoring the collective ownership and operation of the means of production have been made by the Wisconsin State Federation of Labor and by similar bodies in Michigan, Iowa, and Minnesota. From the central federated union in large cities like New York, St. Louis, Cleveland, Milwaukee, Columbus, Erie, Wilkes-Barre, and Toledo other similar declarations have come. The bakers' union, various unions of carpenters, the switchmen's union, the brewers' union, and certain unions among coal-miners, all declared for Socialism immediately before or during the Presidential campaign of 1908. More recently several national unions, including the Western Federation of Miners and the United Mine Workers of America, have in one way or another officially indorsed the Socialist programme. A few years ago scarcely a labor newspaper or periodical could be induced to print matter at all friendly to Socialism. To-day about twenty-five leading trade-union periodicals are openly advocating Socialism, while nearly

all such organs will now print in their columns articles or letters for and against Socialism. Strenuous, though as yet unsuccessful, efforts have been made for a long time to obtain a formal indorsement of the Socialist programme from the American Federation of Labor.[1]

In quite unexpected quarters, too, the Socialists have made important gains in recent years. The farmers, whom many have considered immune from socialistic doctrines, are coming into the party in considerable numbers. In literary and university circles the converts are numerous, and several hundred clergymen, within the past few years, have united with the party.[2]

The results of this propaganda were reflected to some extent in the national convention at Chicago in 1908. Three hundred delegates were present, representing every State in the Union. A large number were trade-union officials, but at the same time there were farmers and professional men in surprising numbers. Unlike the earlier Socialist conventions, all but a few of the delegates were native-born Americans. Socialism in this country can no longer be correctly described as a purely working-class movement or stigmatized as a foreign propagandism.[3]

The delegates to a national convention are elected by referendum. Their railway and other expenses are paid by the party, and most of their work is

[1] W. MacArthur, in *Annals*, XXIV, 316 (1904); J. C. Kennedy, in *Jour. Pol. Econ.*, XV, 470 (1907); and Robert Hunter, in *Rev. of Rev.*, XXXVIII, 293 (1908).

[2] Robert Hunter, *op. cit.*

[3] R. F. Hoxie, in *Jour. Pol. Econ.*, XVI, 442 (1908).

planned beforehand by the membership in the various locals. Indeed, one striking peculiarity of the Socialist party lies in the fact that all party affairs are passed upon by the enrolled members. Even the platform adopted by the national convention is subjected to a referendum for final decision. "Not a principle is decided, not a delegate or official is chosen, without a vote of the rank and file." [1]

National convention, the party referendum

In nominating candidates for public offices the Socialists require the nominee to sign a resignation of the office with blank date, which is placed in the hands of the local organization to be dated and presented to the proper officer in case the candidate be elected and fails to adhere to the platform, constitution, or mandates of the membership.

The Socialist platform of 1916

Prior to 1908 a statement of the general principles upon which the party is based had served sufficiently well for campaign purposes. But with the growth of the party it was found necessary in 1908, 1912, and 1916 to prepare a "working programme" to guide Socialists in State Legislatures and city councils. Accordingly the platforms of those years, while not omitting the customary statement of general principles, added a list of "demands" or a "working programme." The platforms as thus formulated constitute a skilful compromise between the moderate, constructive, or practical Socialists, on the one

[1] Robert Hunter, *op. cit.* The Socialist party has been somewhat irregular in the matter of national conventions and congresses. The last general party convention was held in May, 1912. There was no national convention in 1916, neither was there any national committee meeting. For several years preceding 1916, however, the national committee held a meeting each year.

hand, and, on the other hand, the radical, revolutionary, or "impossibilist" elements in the party.[1]

SOCIALIST PARTY PLATFORM

In the midst of the greatest crisis and bloodiest struggle of all history the Socialist Party of America reaffirms its steadfast adherence to the principles of international brotherhood, world peace and industrial democracy.

The great war which has engulfed so much of civilization and destroyed millions of lives is one of the natural results of the capitalist system of production.

The Socialist Party, as the political expression of the economic interests of the working class, calls upon them to take a determined stand on the question of militarism and war, and to recognize the opportunity which the Great War has given them of forcing disarmament and furthering the cause of industrial freedom.

An armed force in the hands of the ruling class serves two purposes: to protect and further the policy of imperialism abroad and to silence by force the protest of the workers against industrial despotism at home. Imperialism and militarism plunged Europe into this world-war. America's geographical and industrial situation has kept her out of the cataclysm. But Europe's extremity has been the opportunity of America's ruling class to amass enormous profits. As a result, there is a surfeit of capital which demands the policy of imperialism to protect and further investments abroad. Hence the frenzy of militarism into which the ruling class has made every attempt to force the United States.

The workers in Europe were helpless to avert the war because they were already saddled with the burden of militarism. The workers in the United States are yet free from this burden and have the opportunity of establishing a working class policy and program against war. They can compel the government of the United States to lead the way in an international movement for disarmament and to abandon the policy of imperialism which is forcing the conquest of Mexico and must, if carried out, eventually plunge the United States into a world-war.

[1] R. F. Hoxie, *op. cit.*

The working class must recognize the cry of preparedness against foreign invasion as a mere cloak for the sinister purpose of imperialism abroad and industrial tyranny at home. The class struggle, like capitalism, is international. The proletariat of the world has but one enemy, the capitalist class, whether at home or abroad. We must refuse to put into the hands of this enemy an armed force even under the guise of a "democratic army," as the workers of Australia and Switzerland have done.

Therefore the Socialist Party stands opposed to military preparedness, to any appropriations of men or money for war or militarism, while control of such forces through the political state rests in the hands of the capitalist class. The Socialist Party stands committed to the class war, and urges upon the workers in the mines and forests, on the railways and ships, in factories and fields, the use of their economic and industrial power, by refusing to mine the coal, to transport soldiers, to furnish food or other supplies for military purposes, and thus keep out of the hands of the ruling class the control of armed forces and economic power, necessary for aggression abroad and industrial despotism at home.

The working class must recognize militarism as the greatest menace to all efforts toward industrial freedom, and regardless of political or industrial affiliations must present a united front in the fight against preparedness and militarism.

Hideous as they are, the horrors of the far-stretched battlefield of the old world are dwarfed by the evil results of the capitalist system, even in normal times. Instead of being organized to provide all members of society with an abundance of food, clothing and shelter, and the highest attainable freedom and culture, industry is at present organized and conducted for the benefit of a parasitic class. All the powers of government, and all our industrial genius, are directed to the end of securing to the relatively small class of capitalist investors the largest amount of profits which can be wrung from the labor of the ever-increasing class whose only property is muscle and brain, manual and mental labor power.

The dire consequences of this system are everywhere apparent. The workers are oppressed and deprived of much that makes for physical, mental, and moral well being. Year

by year poverty and industrial accidents destroy more lives than all the armies and navies in the world.

To preserve their privilege and power is the most vital interest of the possessing class, while it is the most vital interest of the working class to resist oppression, improve its position and struggle to obtain security of life and liberty. Hence there exists a conflict of interests, a social war within the nation, which can know neither truce nor compromise. So long as the few own and control the economic life of the nation the many must be enslaved, poverty must co-exist with riotous luxury and civil strife prevail.

The Socialist Party would end these conditions by reorganizing the life of the nation upon the basis of Socialism. Socialism would not abolish private property, but greatly extend it. We believe that every human being should have and own all the things which he can use to advantage, for the enrichment of his own life, without imposing disadvantage or burden upon any other human being. *Socialism admits the private ownership and individual direction of all things, tools, economic processes and functions which are individualistic in character, and requires the collective ownership and democratic control and direction of those which are social or collectivistic in character.*

We hold that this country cannot enjoy happiness and prosperity at home and maintain lasting peace with other nations, so long as its industrial wealth is monopolized by a capitalist oligarchy. In this, as in every other campaign, all special issues arising from temporary situations, whether domestic or foreign, must be subordinated to the major issue—the need of such a reorganization of our economic life as will remove the land, the mines, forests, railroads, mills and factories, all the things required for our physical existence, from the clutches of industrial and financial freebooters and place them securely and permanently in the hands of the people.

If men were free to labor to satisfy their desires there could be in this country neither poverty nor involuntary unemployment. But the men in this country are not free to labor to satisfy their desires. The great industrial population can labor only when the capitalist class, who own the industries, believe they can market their product at a profit. The needs of millions are subordinated to the greeds of a

few. The situation is not unlike that of a pyramid balanced upon its apex. Oftentimes this pyramid tumbles and industrial depression comes. There was such a crash in 1907. If the capitalist owners had been willing to get out of the way, industry could have been revived in a day. But the capitalist owners are never willing to get out of the way. Their greeds come first—the people's needs, if at all, afterward. Therefore business did not quickly revive after the industrial depression of 1907. Mr. Taft was elected to bring good times, but in four years failed to bring them. Mr. Wilson was elected to bring good times, but not all of the measures he advocated had the slightest effect upon industry. The European war has brought to this country tremendous orders for military supplies and has created a period of prosperity for the few. For the masses of the people there is but an opportunity to work hard for a bare living, which is not prosperity, but slavery. As against the boast of the present national administration that its political program, now fully in force, has brought prosperity to the masses, we call attention to the statement of the Federal Public Health Service that $800 a year is required to enable a family to avoid physical deterioration through lack of decent living conditions, that more than half of the families of working men receive less than that amount, that nearly a third receive less than $500 a year and that one family in twelve receives less than $300 a year.

The capitalist class, for a great many years, has been trying to saddle upon this country a greater army and a greater navy. A greater army is desired to keep the working class of the United States in subjection. A greater navy is desired to safeguard the foreign investments of American capitalists and to "back up" American diplomacy in its efforts to gain foreign markets for American capitalists. The war in Europe, which diminished and is still diminishing the remote possibility of European attack upon the United States, was nevertheless seized upon by capitalists and by unscrupulous politicians as a means of spreading fear throughout the country, to the end that, by false pretenses, great military establishments might be obtained. We denounce such "preparedness" as both false in principle, unnecessary in character and dangerous in its plain tendencies toward militarism. We advocate that sort of social preparedness

which expresses itself in better homes, better bodies and better minds, which are alike the products of plenty and the necessity of effective defense in war.

The Socialist Party maintains its attitude of unalterable opposition to war.

We reiterate the statement that the competitive nature of capitalism is the cause of modern war, and that the co-operative nature of Socialism is alone adapted to the task of ending war by removing its causes. We assert, however, that, even under the present capitalist order, additional measures can be taken to safeguard peace, and to this end, we demand:

MEASURES TO INSURE PEACE

1. That all laws and appropriations for the increase of the military and naval forces of the United States shall be immediately repealed.

2. That the power be taken from the President to lead the nation into a position which leaves no escape from war. No one man, however exalted in official station, should have the power to decide the question of peace or war for a nation of a hundred millions. To give one man such power is neither democratic nor safe. Yet the President exercises such power when he determines what shall be the nation's foreign policies and what shall be the nature and tone of its diplomatic intercourse with other nations. We, therefore, demand that the power to fix foreign policies and conduct diplomatic negotiations shall be lodged in Congress and shall be exercised publicly, the people reserving the right by referendum to order Congress, at any time, to change its foreign policy.

3. That no war shall be declared or waged by the United States without a referendum vote of the entire people, except for the purpose of repelling invasion.

4. That the Monroe Doctrine shall be immediately abandoned as a danger so great that even its advocates are agreed that it constitutes perhaps our greatest single danger of war. The Monroe Doctrine was originally intended to safeguard the peace of the United States. Though the Doctrine has changed from a safeguard to a menace, the capitalist class still defends it for the reason that our great capitalists desire to retain South and Central America as their private

trade preserve. We favor the cultivation of social, industrial and political friendship with all other nations in the western hemisphere, as an approach to a world confederation of nations, but we oppose the Monroe Doctrine because it takes from our hands the peace of America and places it in the custody of any nation that would attack the sovereignty of any state in the western world.

5. That the independence of the Philippine Islands be immediately recognized as a measure of justice both to the Filipinos and to ourselves. The Filipinos are entitled to self-government; we are entitled to be freed from the necessity of building and maintaining enough dreadnoughts to defend them in the event of war.

6. The government of the United States shall call a congress of all neutral nations to mediate between the belligerent powers in an effort to establish an immediate and lasting peace without indemnities, or forcible annexation of territory, and based on a binding and enforceable international treaty, which shall provide for concerted disarmament on land and at sea and for an International Congress with power to adjust all disputes between nations, and which shall guarantee freedom and equal rights to all oppressed nations and races.

WORKING PROGRAM

As general measures calculated to strengthen the working class in its fight for the realization of its ultimate aim, the Co-operative Commonwealth, and to increase its power of resistance against capitalist oppression, we advocate and pledge ourselves and our elected officers to the following program:

Political Demands

1. Unrestricted and equal suffrage for men and women.

2. The immediate adoption of the so-called "Susan B. Anthony amendment" to the constitution of the United States granting the suffrage to women on equal terms with men.

3. The adoption of the initiative, referendum and recall and of proportional representation, nationally as well as locally.

4. The abolition of the Senate and of the veto power of the President.

5. The election of the President and the Vice-President by direct vote of the people.

6. The abolition of the present restriction upon the amendment of the constitution so that that instrument may be made amendable by a majority of the voters in the country.

7. The calling of a convention for the revision of the constitution of the United States.

8. The abolition of the power usurped by the Supreme Court of the United States to pass upon the constitutionality of legislation enacted by Congress. National laws to be repealed only by act of Congress or by a referendum vote of the whole people.

9. The immediate curbing of the power of the courts to issue injunctions.

10. The election of all judges of the United States Courts for short terms.

11. The free administration of the law.

12. The granting of the right of suffrage in the District of Columbia with representation in Congress and a democratic form of municipal government for purely local affairs.

13. The extension of democratic government to all United States territory.

14. The freedom of press, speech and assemblage.

15. The increase of the rates of the present income tax and corporation tax and the extension of inheritance taxes, graduated in proportion to the value of the estate and to nearness of kin—the proceeds of these taxes to be employed in the socialization of industry.

16. The enactment of further measures for general education and particularly for vocational education in useful pursuits. The Bureau of Education to be made a department.

17. The enactment of further measures for the conservation of health and the creation of an independent department of health.

18. The abolition of the monopoly ownership of patents and the substitution of collective ownership, with direct rewards to inventors by premiums or royalties.

Collective Ownership

1. The collective ownership and democratic management of railroads, telegraphs and telephones, express service, steamboat lines and all other social means of transportation and communication and of all large-scale industries.

2. The immediate acquirement by the municipalities, the states or the federal government of all grain elevators, stock yards, storage warehouses and other distributing agencies, in order to relieve the farmer from the extortionate charges of the middlemen and to reduce the present high cost of living.

3. The extension of the public domain to include mines, quarries, oil wells, forests and water power.

4. The further conservation and development of natural resources for the use and benefit of all the people:

(*a*) By scientific reforestation and timber protection.

(*b*) By the reclamation of arid and swamp tracts.

(*c*) By the storage of flood waters and the utilization of water power.

(*d*) By the stoppage of the present extravagant waste of the soil and the products of mines and oil wells.

(*e*) By the development of highway and waterway systems.

5. The collective ownership of land wherever practicable, and in cases where such ownership is impracticable, the appropriation by taxation of the annual rental value of all land held for speculation or exploitation.

6. All currency shall be issued by the government of the United States and shall be legal tender for the payment of taxes and impost duties and for the discharge of public and private debts. The government shall lend money on bonds to counties and municipalities at a nominal rate of interest for the purpose of taking over or establishing public utilities and for building or maintaining public roads and highways and public schools—up to 25 per cent of the assessed valuation of such counties or municipalities. Said bonds are to be repaid in twenty equal and annual installments, and the currency issued for that purpose by the government is to be cancelled and destroyed seriatim as the debt is repaid. All banks and banking institutions shall be owned by the government of the United States or by the States.

7. Government relief of the unemployed by the extension of all useful public works. All persons employed on such work to be engaged directly by the government under a work day of not more than eight hours and at not less than the prevailing union wages. The government also to establish employment bureaus; to lend money to States and municipalities without interest for the purpose of carrying on public works, to contribute money to unemployment funds of labor unions and other organizations of workers, and to take such other measures within its power as will lessen the wide-spread misery of the workers caused by the misrule of the capitalist class.

Industrial Demands

The conservation of human resources, particularly of the lives and well-being of the workers and their families:

1. By shortening the work day in keeping with the increased productiveness of machinery.

2. By securing the freedom of political and economic organization and activities.

3. By securing to every worker a rest period of not less than a day and a half in each week.

4. By securing a more effective inspection of workshops, factories and mines.

5. By forbidding the employment of children under eighteen years of age.

6. By forbidding the interstate transportation of the products of child labor and of all uninspected factories and mines.

7. By establishing minimum wage scales.

8. By abolishing official charity and substituting a non-contributory system of old age pensions, a general system of insurance by the state of all its members against unemployment and invalidism, and a system of compulsory insurance by employers of their workers, without cost to the latter, against industrial diseases, accidents, and death.

9. By establishing mothers' pensions.

The opponents of Socialism have made much of the declarations favoring the abolition of the Senate,

the abolition of the power of the Supreme Court to declare acts of Congress unconstitutional, and the abolition of the veto power of the President.[1] These demands should not, however, be taken too seriously. They appear to have been inserted as a sop to the radical element in the party which is possessed at present of considerable strength.[2] They were inserted in lieu of a still more radical series of declarations desired by this element. There is good reason to believe that such political demands form no part of the real desires or aims of the saner and more conservative element in the party which is rapidly increasing in numbers and influence.

Future of Socialism in United States

Regarding the future of the Socialist party in national politics one many inquire, in conclusion: Will it ever command the support of a majority of the American voters and thus find itself in a position to carry into execution its political-economic programme? The history of previous third parties affords little ground for an affirmative answer. It seems highly improbable that a party boldly assuming the Socialist name and pledged to the full programme of Socialism will ever displace the two great parties which so long have dominated American politics. In this opinion a prominent Socialist concurs when he says: "I don't think we are ever going to elect a President or a Congress or anything. . . . The dominant political party, whichever it may be, will be forced by the logic of events toward the Socialist programme—forced so far toward it that

[1] *E. g.*, see *Outlook*, LXXXIX, 974 (1908).
[2] R. F. Hoxie, *op. cit.*

the dominant political party will carry it out unawares." [1]

History reveals the fact that "no inconsiderable part of the progressive movement in society has begun outside of the political organizations which ultimately gave practical effect to the new doctrines." The Socialist party may prove to be what other third parties have been, a powerful leavening force whose principles have gradually but extensively permeated the older parties in the past. There is much evidence tending to produce the conviction that such a gradual, unconscious, but steady inoculation of the old parties with what are now called socialistic principles is taking place at the present time and that in the future this tendency will be accelerated. It may be surprising to take the platforms of the Republican, Democratic, and National Progressive parties, after reading the Socialist "demands," and note the numerous points of similarity.

Throughout the nation we have witnessed during the past few years an enormous extension of governmental activity in industrial affairs, and especially in the interests of the wage-earners. It is an interesting question upon which to speculate whether the great industrial combinations of the present, the remarkable concentration of railway control, the consolidation of telegraph and telephone systems, and the increasingly strict governmental regulation or supervision of these various forms of economic ac-

[1] Gaylord Wiltshire, quoted in *Independent*, LXVI, 1305. "When the country has once made it clear that it means to have Socialism, the Republican party will supply the article." Upton Sinclair, in *ibid.*

tivity, may not prove to be an unconscious preparation for the easy and complete realization of the Socialist ideal.[1]

Whatever may be the ultimate future of the Socialist party, "the immediate future depends more on the character of the party personnel and the party machinery than on mere declarations of policy." In the opinion of a thoughtful and sympathetic student of the Socialist movement, the party needs to be purged of certain radical elements which breed only dissensions within and distrust without; and the party machinery must be so modified as to vest in its executive officers more effective control of the various party organs and functions.[2]

QUESTIONS AND TOPICS

1. The history and influence of the following minor parties: (*a*) the Quids, (*b*) the Blue Light Federalists, (*c*) the Anti-Masonic party, (*d*) the American or Know-Nothing party, (*e*) the Loco Focos, (*f*) the Abolitionist party, (*g*) the Liberty and Free Soil parties, (*h*) the Greenback party, (*i*) the Liberal Republicans, (*j*) the Mugwumps, (*k*) the Populists, (*l*) the Prohibition party, (*m*) the American Protective Association, and (*n*) the Granger movement. (See the larger works on American history, such as Adams, Hildreth, McMaster, Rhodes, Schouler, and Von Holst.)

2. Compare the platforms (1912) of the Socialist and Socialist Labor parties.

3. What are the differences between Socialism and Anarchism?

4. The International Working People's Association and the International Workingmen's Association.

5. Compare the "New Nationalism" of ex-President Roosevelt's speech at Ossawatomie, Kansas, September 1, 1910, with the platform of the Socialist party.

[1] P. O. Ray, in *Sewanee Review*, XVI, 472 (1908).

[2] R. F. Hoxie, in *Jour. Pol. Econ.*, XVI, 442 (1908).

6. Why did the Socialist vote for President in 1908 fall so far below expectations? Reasons for the gain in 1912?

7. An interpretation of recent Socialist successes in State and local elections. (See Hoxie.)

8. The political influence and activity of Socialism in Wisconsin.

9. What was accomplished by the Socialist administrations in Milwaukee and Schenectady? Explain the defeat of the Socialists in Milwaukee in 1912.

10. The political creed of Socialists in European countries.

11. Socialistic activities of the government in New Zealand and Australia.

12. Is it true, as alleged in the Socialist platform of 1912, that the Supreme Court of the United States has "usurped" the power to declare acts of Congress unconstitutional? (See C. A. Beard, in *Pol. Sci. Quar.*, XXVII, 1 (1912).)

13. The growth of an interest in Socialism and its various manifestations in American colleges and universities. (See Philadelphia *Public Ledger*, 7 April, 1912.)

14. The contest in the Socialist National Convention of 1912 over "Industrialism." (See *Literary Digest.*)

15. The attitude of the agricultural classes toward the plank in the Socialist platform which declares for "the collective ownership of land." (See Johnston.)

16. Socialism in American trade-unions. (See Kennedy, MacArthur.)

17. The conference of leaders of the Progressive party in Chicago in December, 1912, and its plan for conducting a campaign of education.

18. Trace the steps which resulted in the Republican-Progressive merger in 1916.

19. The election and administration of Mayor Hoan in Milwaukee in 1916.

20. How are Socialism and Syndicalism related and opposed to one another?

BIBLIOGRAPHY

Abbott, E. H., "Socialism," in *Outlook*, XCVII, 732 (1911). Gives a list of the best books on Socialism.

Abbott, Lyman, "Socialism," in *Outlook*, LXXXVIII, 537 (1908).

Abbott, Lyman, "Political Socialism," in *Outlook*, XCV, 831 (1910).

Adams, C. F., Jr., "The Granger Movement," in *No. Am. Rev.*, CXX, 394 (1875).

American Year Book. Issued annually.

Benson, A. L., "Socialism *vs.* Militarism," in *Independent*, LXXXVIII, 195 (1916).

Berger, Victor, "What Is the Matter with Milwaukee?" in *Independent*, LXVIII, 840 (1910).

Bourne, George, "Socialistic Tendencies in England," in *Forum*, XLV, 57 (1911).

Boyle, James, *What Is Socialism?* (1912).

Buck, S. J., *The Granger Movement, 1870–1880* (1913).

—— "Independent Parties in Western History," in *Turner Essays in American History* (1910), ch. 6.

Chesterton, G. K., "Objections to Socialism," in *Forum*, XLI, 129 (1909).

Coudert, F. R., "The American Protective Association," in *Forum*, XVII, 513 (1894).

Cox, O. E., "The Socialist Party in Indiana since 1896," in *Indiana Magazine of History*, XII, 95 (1916).

Cross, I. B., *Essentials of Socialism* (1912).

—— "Socialism in California Municipalities," in *Nat. Mun. Rev.*, I, 611 (1912).

Current Literature, XLIX, 265 (1910), "Victor Berger, the Organizer of the Socialist Party in Milwaukee."

Davenport, F. N., "The Presidential Choice of the Socialists" (1916), in *Outlook*, CXII, 865 (1916).

Debs, E. V., "The Socialist Party's Appeal," in *Independent*, LXV, 875 (1908).

Dreher, W. C., "The German Drift toward Socialism," in *Atlantic Monthly*, CVIII, 101 (1911).

Drew, F. M., "The Present Farmer's Movement," in *Pol. Sci. Quar.*, VI, 282 (1891).

Ely, R. T., *The Labor Movement in America* (new edition, 1890).

—— *Socialism* (1894).

—— *Outlines of Economics* (rev. ed., 1908), ch. 30.

England, G. A., "Milwaukee's Socialist Government," in *Rev. of Rev.*, XLII, 445 (1910).

—— "International Socialism as a Political Force," in *Rev. of Rev.*, XXXVII, 577 (1908).

Fowler, J. A., "Reorganization of the Republican Party," in *No. Am. Rev.*, CXCVIII, 289 (1913).

Gaylord, W. R., "The Legislative Programme of the Socialist Party in Wisconsin Legislature, 1909," in *Am. Pol. Sci. Rev.*, III, 226 (1909).

George, Henry, "The Kearney Agitation in California," in *Pop. Sci. Mo.*, XVII, 433 (1880).

Gillhaus, A., "The Socialist Labor Party's Appeal," in *Independent*, LXV, 889 (1908).

Gilman, N. P., *Socialism and the American Spirit* (1893).

Griffin, H. F., "The Rising Tide of Socialism," in *Outlook*, C, 438 (1912).

Grosscup, P. S., "Can Republicans and Progressives Unite?" in *No. Am. Rev.*, CXCIX, 353 (1914).

Hanley, J. F., "Prohibition Principles," in *Independent*, LXXXVIII, 197 (1916).

Hart, A. B., "A New Party: Do the People Want It?" in *Rev. of Rev.*, XLVI, 197 (1912). On the National Progressive party.

Harvey, George, "The Verdict at the Polls," in *No. Am. Rev.*, CC, 802 (1914). On congressional elections, 1914.

Haynes, F. E., *Third Party Movements Since the Civil War, with Special Reference to Iowa* (1916).

Henderson, Yandell, "The Progressive Movement and Constitutional Reform," in *Yale Rev.*, III, 78 (1913).

Hillquit, Morris, *History of Socialism in the United States* (1903). On the whole, the best history of American Socialism.

Hillquit, M., and Ryan, J. A., "Socialism: Promise or Menace?" in *Everybody's*, XXIX, 482 (1913).

Holmes, F. L., "Socialist Legislators at Work," in *Independent*, LXX, 592 (1911).

Howard, G. E., *Present Political Questions* (1913). A bibliography.

Howe, F. C., "Milwaukee: A Socialist City," in *Outlook*, XCV, 411 (1910).

Hoxie, R. F., "The Convention of the Socialist Party" (1908), in *Jour. Pol. Econ.*, XVI, 442 (1908).

—— "The Rising Tide of Socialism," in *Jour. Pol. Econ.*, XIX, 609 (1911).

Hoxie, R. F., "The Socialist Party and American Convention Methods," in *Jour. Pol. Econ.*, XX, 738 (1912).

Hunter, Robert, *Labor in Politics* (1915).

—— "The Socialist Party in the Present Campaign" (1908), in *Rev. of Rev.*, XXXVIII, 293 (1908).

Independent, The, LXV, 1304 (1909), "Constructive Socialism."

—— LXVIII, 330 (1910), "Barbarous Spokane."

—— *Ibid.*, 819 (1910), "Milwaukee."

Johnston, Charles, "Socialism and the American Farmer," in *No. Am. Rev.*, CXCVI, 305 (1912).

Kelley, Edmond, *Twentieth Century Socialism* (1910).

Kennedy, J. C., "Socialistic Tendencies in American Trade Unions," in *Jour. Pol. Econ.*, XV, 470 (1907).

Kirkup, Thomas, *An Inquiry into Socialism* (3d ed., rev. and enlarged, 1907). "Best small and conservative presentation of Socialism."

Lewis, A. H., "Schenectady's Socialist Mayor," in *The World To-Day*, XXI, 1751 (1912).

Literary Digest, XLI, 921 (1910), "A Socialist in Congress."

—— XLIII, 897 (1911), "An Election Day of Rebukes."

—— *Ibid.*, 965 (1911), "Interpreting the Socialist Vote."

—— XLIV, 740 (1912), "Milwaukee's Socialist Reverse."

—— *Ibid.*, 1144 (1912), "Socialists Rebuking Violence." On the National Convention of 1912.

—— XLV, 943 (1912), "The Socialist Vote" (1912).

—— LII, 1832 (1916), "The Fate of the Progressive Party."

McCarthy, Charles, *The Anti-Masonic Party*, in Am. Hist. Assn. *Report*, I (1902).

McLaughlin and Hart, *Cyclopedia of American Government*, II, 294, "Labor Parties"; III, 74, "Progressive Party; 75, "Progressives"; 331, "Socialism"; 336, "Socialism, State"; 338, "Socialist Labor Party."

McMaster, J. B., "The Riotous Career of the Know-Nothings," in *Forum*, XVII, 524 (1894).

—— *With the Fathers*, 87, "The Riotous Career of the Know-Nothings."

McVey, F. L., "The Populist Movement," in Amer. Econ. Assn. *Studies*, I, No. 3 (1896).

Mallock, W. H., *A Critical Examination of Socialism* (1907).

Martin, J., "Our Government's Widespread Socialistic Activities," in *World's Work*, XVI, 10651 (1908).

Miller, C. R., "Why Socialism Is Impracticable," in *Century*, LXXIX, 903 (1910).

Mills, Ethelwyn, *Legislative Program of the Socialist Party*. (Pamphlet, 1914.) Record of the work of the Socialist members of State Legislatures, 1899–1913.

Morgan, J. T., "The Danger of the Farmers' Alliance," in *Forum*, XII, 399 (1891–1892).

National Municipal Review, I, 492 (1912), "Socialist Municipal Officeholders" (elected 1908–1913).

—— V, 490 (1916), "A Socialist Chosen in Milwaukee" (as mayor).

National Congress of the Socialist Party, *Proceedings*, Chicago, May, 1910.

Nearing, Scott, and Watson, F. D., *Economics* (1908), ch. 64, "The Programme of Socialism."

New Republic, The, VIII, 243 (1916), "The Case for Benson."

Nock, A. J., "Socialism in Milwaukee," in *Outlook*, CVII, 608 (1914).

Orth, S. P., "The World-Wide Sweep of Socialism," in *World's Work*, XXIV, 42, 146 (1912).

—— "Is Socialism Upon Us?" in *World's Work*, XXIV, 452 (1912).

—— *Socialism and Democracy in Europe* (1913).

Outlook, The, LXXXIX, 974 (1908), "The Socialist Platform."

—— XCIV, 821 (1910), "A Socialist Victory in Milwaukee."

—— XCIX, 1073 (1911), "Socialism in Milwaukee."

—— C, 152, 156 (1912), "The German Elections."

—— CII, 377 (1912), "Why a New Party?"

—— CII, 830 (1912), "The Conference of Progressives in Chicago."

—— CII, 837 (1912), "Wanted—A Campaign of Education."

—— CXIII, 532 (1916), "Hughes, Roosevelt and Union."

Paine, A. E., "The Granger Movement in Illinois," in University of Illinois *Studies*, I, 333 (1904).

Pierson, C. W., "Rise of the Granger Movement," in *Pop. Sci. Mo.*, XXXII, 199 (1887–1888).

—— "Outcome of the Granger Movement," in *Pop. Sci. Mo.*, XXXII, 368 (1887–1888).

Pink, L. H., "Socialism on Trial" (in Schenectady), in *Outlook*, CV, 489 (1913).

Porritt, Annie G., "The Socialist Movement in England," *Forum*, XL, 215 (1908).

Ray, P. O., "The Unconscious Trend toward Socialism," in *Sewanee Review*, XVI, 472 (1908).

Review of Reviews, XL, 88 (1909), "The Fallacies of American Socialism."

—— LIV, 318 (1916), "The Minor Parties: Their Candidates and Platforms."

—— *Ibid.*, I (1916), "Presidential Candidates Nominated."

Reybaud, Louis, "Socialism and Socialists," in Lalor, III, 745.

Roosevelt, Theodore, "Socialism," in *Outlook*, XCI, 619, 662 (1909).

—— "The Progressive Party," in *Century*, 826 (1913).

Russell, C. E., "Milwaukee, Our First Socialist City," in *Success*, XIII, 569 (1910).

Seager, H. R., *Introduction to Economics* (1904), pp. 527 ff.

Seltzer, T., "The Growth of Socialism," in *Rev. of Rev.*, XLV, 341 (1912). Chiefly on German Socialism.

Smith, H. K., "The Progressive Party," in *Yale Rev.*, II, 18 (1912).

Smith, T. C., *The Liberty and Free Soil Party in the Northwest* (1897).

Spargo, John, and Arner, G. L., *Elements of Socialism* (1912).

Stanwood, Edward, *A History of the Presidency* (1898). Gives considerable information on the minor parties.

Sumner, Mary B., "The Parting of the Ways in American Socialism," in *Survey*, XXIX, 623 (1913).

Thompson, C. D., "Social Democratic Programme in the Wisconsin Legislature," in *Am. Pol. Sci. Rev.*, I, 457 (1907).

—— *The Constructive Programme of Socialism* (1908). Pamphlet on the legislative programme of Socialists in American legislative bodies.

Usher, E. B., *The Greenback Movement of 1875–1884 and Wisconsin's Part in It* (1911).

Walling, W. E., "A Crisis in the Socialist Party," in *Independent*, LXXII, 1047 (1912).

Woodburn, J. A., *Political Parties and Party Problems* (1914), ch. 10, "Minor Parties."

Woodruff, C. R., "American Municipal Tendencies," in *Nat. Mun. Rev.*, I, 3 (1912). An appendix to the article gives a list of Socialist officials elected in 1911.

World's Work, XX, 12995 (1910), "A Socialist City in America" (Milwaukee).

—— XXIII, 252 (1912), "The Tide of Socialism."

PART TWO

NOMINATING METHODS

CHAPTER IV

NOMINATIONS FOR LOCAL OFFICES—THE CAUCUS OR PRIMARY

Elections preceded by nominations

The immediate purpose or object of party existence is to obtain control of the government by carrying the elections of officials who in one capacity or another are to administer the government. Elections imply rival candidates for the support of the party in its effort to obtain the offices. Therefore, previous to an election, each political party, in one way or another, selects from its membership the persons whom it will support for different offices at the ensuing election. This process of selection is called making nominations, and the persons so nominated are called the nominees or candidates; and collectively they make up the party "ticket." Every person who to-day fills an elective office in the United States, whether Federal, State, or local, has received some form of nomination prior to his election. The vast majority have been nominated by one of the two great political parties, and it is the wish of every person aspiring to become a candidate to receive what is called a "regular" nomination by one of these parties.

Nominations made under five different methods

Five different methods of nominating candidates for elective offices are employed in the United States at the present time.

1. Self-announcement

(1) A person may offer or present himself to the voters as a worthy candidate for some office and ask their support at the approaching election. His candidacy is said to be "self-announced," or he is said to be "self-nominated." This method prevailed generally in the Southern States before the Civil War. At the present time it is found in some parts of the South and West, and occasionally in the Northern States, especially in the case of candidates running independently of a party nomination. In comparison with the other four methods, self-nominations are extremely rare, although they seem to be coming into favor again in a few States in connection with the direct primary.

2. Caucus or primary

(2) *Nomination by caucus or primary* is confined to the naming of candidates for local offices and the selection of delegates to some nominating convention representing the voters of a considerable area.

3. Delegate conventions

(3) *Nomination by conventions* composed of delegates supposed to be selected by, and to represent, the voters of the party residing in a district of considerable size or density of population has been the prevailing method for selecting candidates for national, State, county, and certain municipal offices from 1840 until about 1900, after which date the direct primary election was rapidly substituted.

4. Direct primary elections

(4) *Nomination by direct primary election* is rapidly supplanting the convention system. Such an election is conducted with many, if not all, of the safe-

guards and formalities accompanying a regular election. The voters of each party designate on a formal ballot those members of their party whom they desire to become the party candidates at the approaching election; or else the party voters formally vote for delegates to some convention in which the final selection of candidates is made. This method of nomination was first applied chiefly to local, county, and State officers; but in the past few years it has been extended in the majority of States to the nomination of representatives in Congress and United States senators. The direct primary election system originated as a remedy for the evils of the convention system in connection with State and local nominations; but in recent years it has also made its appearance in the field of national politics, especially in the selection of delegates to the national nominating conventions.

5. Petition

(5) *Nomination by petition or by "nomination papers"* first came into use with the adoption of the Australian ballot between 1888 and 1890. It provides that candidates may be placed in nomination by filing with some specified officer nomination papers, or petitions, signed by a certain number of qualified voters. The proper filing of these papers entitles the candidates named therein to have their names printed upon the official ballot. Nomination by petition is now being widely advocated for municipal and judicial nominations in order to promote non-partisanship in municipal and judicial elections.

These different methods of making nominations are not mutually exclusive: two or more of them may

These methods best studied in connection with offices in the different units of government

be found in concurrent operation in the same State. Their practical operation will appear more clearly if we consider separately nominations for local offices, for county and State offices, and for offices under the Federal Government.

In nominations for *local* offices the caucus or primary is the most common method

By *nominations for local offices* is meant the selection of candidates for borough, town, city, ward, or precinct offices—in other words, for offices in the lowest political unit. For such offices, candidates are usually nominated at a general meeting of the voters belonging to the respective parties. The same meeting often selects delegates to represent the local unit in some nominating convention made up of delegates similarly chosen from co-ordinate political units. It also selects the members of the precinct, ward, or town committee. In theory, every voter belonging to the party has a right to attend this meeting and to vote; but in large cities the privilege is confined in practice to registered voters who have answered certain test questions relating to their party adherence or who are enrolled in some political club or association.

To this general meeting of the party voters in the lowest political unit two names are given. In New England, where such a meeting is practically a mass-meeting of the party voters, and in a few Western States, it is called a "caucus." In the Middle States, in most of the Western States, and in the statutes of practically all States outside of New England, the meeting is called a "primary." The New England caucus, especially in small towns, is much like a "town meeting," and there is considerable oppor-

tunity for discussion. Outside of New England the caucus or primary affords practically no opportunity for discussion, and is more like a regular election, with the polls open a certain length of time.[1] In some States the terms primary and caucus are both in common use, and in this book they will be used as synonymous, referring to the nomination of candidates or the selection of delegates in towns, boroughs, cities, wards, and precincts.[2]

Delegate conventions sometimes occur in large cities

In large cities the chief administrative officers have usually, in the past, been nominated by *city conventions* composed of delegates chosen by the party voters at caucuses or primaries in the different wards or voting precincts. The members of the city legislature are usually elected by wards, and the candidates were nominated directly at ward caucuses or primaries, although in some instances ward conventions performed this function. The present trend is away from city and district or ward conventions and the substitution of nomination either by direct primary elections or by petitions.[3]

The "call" for a caucus or primary is issued by

[1] F. W. Dallinger, *Nominations for Elective Offices in the United States*, 12, 53.

[2] The term primary in this connection is to be distinguished from direct primary elections, although it is not uncommon to read of primary elections when a mere caucus or primary is meant. For the sake of avoiding confusion, the unqualified term "primary" will be used as synonymous with caucus and restricted to local nominations, while the term "direct primary" or "direct primary elections," or merely "primary elections," will here be confined to a recent device for doing away with the convention system, which is to be more fully considered in a later chapter. The term caucus is also used in a different sense when applied to legislative bodies, as will appear later.

[3] Dallinger, 52.

The "call"

the city, town, or other committee concerned, and usually covers five points: It specifies the time and place of meeting. It states the object for which the caucus is held. It designates the person who is to call the meeting to order or the officers who are to preside or take charge of the balloting. It often states the length of time during which the balloting is to continue, and sometimes gives an abstract of the rules which are to govern. The call is signed by the chairman and the secretary of the committee which issues it.[1]

Caucus or primary proceedings governed by party rules or by statutes

Before the enactment of legislation regulating them, the organization and conduct of these primaries or caucuses were governed by rules adopted by the party committee calling them, or by custom. Now, however, the majority of States have laws regulating quite minutely the holding of caucuses and primaries. The necessity for such legislation arose from certain serious defects or evils in the unregulated caucus or primary system, which appeared most glaringly in the cities.

[1] The following is a typical caucus "call":

REPUBLICAN CAUCUS

The Republican electors of the town of East Hartford are requested to meet in caucus in Wells Hall on Monday, August 31, 1914, at 8 o'clock P. M., for the purpose of electing delegates to the Republican State Convention to be held in New Haven, September 9 and 10, 1914, for the nomination of candidates for State officers and senator in Congress, and to appoint a State central committee; also for the purpose of electing delegates to the congressional, county, senatorial, and probate conventions for the respective districts in which the town is situated; also for the purpose of electing a town committee for the ensuing two years.

By order of the town committee,

F. H. MAYBERRY, *Chairman.*

Dated at East Hartford, Conn., August 22, 1914.

The following may be noted as the principal *evils of the unregulated caucus or primary:* Evils

(1) In the cities it often happened that a large foreign element, excitable, turbulent, and easily marshalled for the support of corrupt politicians and frequently used by them as "floaters" or "repeaters," was present at the primaries. Respectable native citizens disliked to mingle with, be jostled, and perhaps intimidated by such an element, and therefore remained at home. Where such foreigners were naturalized citizens and entitled to vote in the primary which they attended they could not be eliminated by legislation. Laws properly enforced have, however, done much to prevent their illegal voting and "repeating" and to suppress violence and intimidation. 1. The predominance of foreigners

(2) Primaries or caucuses were often held in places difficult of access and inadequate to accommodate all the voters who desired to participate. Such places would be selected in the interest of some ring. The supporters of the ring would come early, fill up the place, remain until the time for voting had expired, and by their noisy demonstrations, insulting language, or threats of violence render it difficult or extremely distasteful for the respectable voters to get inside and defeat the programme of the managers. Legislation has done little to change this practice.[1] 2. The places selected for primaries

[1] The character of the old primaries, twenty-five years ago, is indicated by the fact reported by Mr. Roosevelt that "of the 1,007 primaries and conventions of all parties held in New York City preparatory to the election of 1884, 633 took place in liquor saloons." See *Century*, XXXIII, 79 (1886).

3. "Snap" primaries

(3) "Snap" caucuses or primaries were not infrequent. These occurred when a primary was called upon too short notice to the party voters. Such notice was usually accompanied by a failure to advertise sufficiently the time and place. The result was that very few voters attended other than the initiated; and the ring in control was thus enabled to arrange everything its own way. Statutes in practically every State now provide for the publication of the notice of the time and place of holding caucuses and primaries a certain number of days in advance.

4. Violence at primaries

(4) Not infrequently actual violence was resorted to by one side to prevent the other from casting its full vote, and the caucus or primary ended in a fight more or less general. Every State now has laws designed to remedy this evil, usually by means of proper police protection.

5. "Packed" primaries

(5) The "packing" of caucuses and primaries was a very common evil. A large band of hired supporters, or "heelers," many of whom were not entitled to participate, would be brought to the primary in the interest of some candidate or group of candidates; or "packing" would be employed in the following manner to defeat the will of the majority of voters. Suppose that the congressman representing a certain district was a candidate for renomination. His record at Washington might have been satisfactory to the voters of his party and it was the evident desire of a large majority that he should be re-elected. As there appeared no opposition to his renomination, many voters would not attend the primaries, and the result was that some other man, who had been

secretly at work among his friends, "packed" the primaries with his followers and secured a majority of the delegates to the congressional district convention. Thus the party would have foisted upon it a candidate whom it did not want and whom the majority may never have heard of.[1]

Sometimes caucuses were packed by voters of the opposing party, who thus helped to nominate the candidates of their rivals, and naturally were not careful to nominate the best men. In the same city it has happened that Democrats have practically dictated Republican nominations and Republicans have controlled Democratic caucuses.[2]

Packed caucuses and primaries have in some degree been remedied in certain States by statute, in others by party rules voluntarily adopted by the party, requiring the names of all persons to be voted for at the caucus or primary to be submitted to the committee in charge a certain number of days before the caucus or primary is held. In this way sudden surprises at least can be prevented.[3] Both statutes and party rules have in recent years endeavored to establish some definite and efficient test of party allegiance to prevent members of one party packing the caucuses of the other party. Considerable progress has been made in checking this evil; nevertheless, it recurs in large places to a regrettable degree.

6. Bribery

(6) Bribery of voters at primaries was a flagrant evil for many years, when the statutes which punished bribery at elections did not apply to the same

[1] Dallinger, 125.
[2] A. B. Hart's *Actual Government*, 92.
[3] Dallinger, 126.

offense at primaries. Every State has now, it is believed, extended such laws to cover primaries, and, as a result, bribery has been diminished although not eradicated.

7. "Ring rule"

(7) Not long ago, in the larger cities the real work of nominating candidates and selecting delegates in the caucus or primary had largely fallen either into the hands of "parlor caucuses" or of political committees and clubs, the ordinary voter being restricted to a choice between candidates agreed upon at such preliminary secret conferences or named by such organizations.[1] "It is great sport," said a practical New York politician, "to see the people go to the polls and vote like cattle for the ticket we prepare." [2] Wherever such conditions prevail, the caucus or primary may be regarded as a potent factor in building up the power of the political boss, whose strength depends very largely upon his ability in controlling or "fixing" primaries. This was especially true of New York City primaries a few years ago.

8. Apathy of "good" citizens

(8) The non-attendance of the best class of voters has been and still is a most serious evil connected with the caucus or primary. It has been estimated that until recently the proportion of voters who took part in primaries varied from one to ten per cent. The principal cause assigned for this abstention is the indifference of the majority of citizens. They are too much engrossed in their business or domestic affairs or their pleasures, especially in the cities. Other causes are to be found in the unfor-

[1] Dallinger, 12.

[2] Quoted by David Dudley Field, in *Forum*, XIV, 192 (1892).

tunate conditions surrounding the primary which have been described above. Of late there has been a noteworthy increase of interest in the primaries on the part of this class of citizens and a larger participation by them in the work of selecting candidates.

Importance of participating in primaries

This is a most wholesome and encouraging sign, for "caucuses and primaries constitute the cornerstone of our nominating system." Their importance cannot be overestimated. If the voters who attend them choose unfit men to serve as delegates in nominating conventions, the nominees of these conventions are likely to prove unworthy standard-bearers of the party, and, as a result, the government will be badly conducted. "The power which the primaries thus wield," says a foreign student of American political institutions, "either directly or indirectly, over the selection of candidates, runs through the whole line. The primaries determine the character and the acts of all the conventions which succeed one another, from the county or city convention up to the national convention, for all these conventions emanate from the primary as from a source." [1]

There is, therefore, no subject connected with practical politics of greater importance than the reform of nominating methods beginning with the caucus or primary. Legislation has accomplished much, but statutory regulation has its limitations. The law can prevent snap caucuses and conventions by requiring proper notice to be given of all such party meetings; it can secure fair and honest conduct of caucuses and

[1] Ostrogorski, II, 223

primary elections; in short, it can bring it about that the persons nominated by party caucuses and conventions shall be the real choice of the party voters present at the primary meetings. But it cannot prevent the voters who are present and vote from nominating unfit candidates for office. "The law can do much, but it can neither compel the so-called 'respectable' voters to attend the caucus of their party, nor can it elevate the moral sense of those who do attend. The only method of accomplishing either of these most desirable ends is by educating the voting population of the country up to a true conception of the duties and responsibilities of American citizenship." [1]

QUESTIONS AND TOPICS

1. Origin of the caucus and the derivation of the word.
2. Nominating methods in the Colonial and Revolutionary periods. (See Bishop.)
3. Conduct of primaries in New York, Philadelphia, Boston, Baltimore, 1880–1895. (See Dallinger, ch. 5.)
4. The preliminary work of candidates in preparing for a caucus or primary. (See Dallinger, ch. 2.)
5. Does the caucus or primary described in the text now exist in your State? If so, what laws or party rules regulate it?
6. What are the qualifications required by law for local officers in your State? (See the State constitution and statutes.)
7. How have caucus and primary evils been remedied by party rules? (See Dallinger, ch. 8.)
8. The work of civic organizations in promoting good nominations for municipal offices in Chicago, Philadelphia, New York, and Cambridge, Mass. (See Dallinger, ch. 10; Ostrogorski, II, pt. 5, ch. 8; *Annals*, Jones, King, Sparling, and Smith.)

[1] Dallinger, 197.

9. How are nominations for municipal offices made in cities which have the commission form of government?

BIBLIOGRAPHY

Annals of the American Academy, XXVII, 400 (1906). Symposium on "Civic Organizations and Municipal Parties."

Beard, C. A., *American Government and Politics*, 685 ff.

Becker, Carl, "Nominations in Colonial New York," in *Am. Hist. Rev.*, VI, 260 (1900).

Bernheim, A. C., "Party Organizations and Their Nominations to Public Office in New York City," in *Pol. Sci. Quar.*, III, 99 (1888).

Bishop, C. F., *History of Elections in the American Colonies*, 120–127. On colonial nominating methods.

Bonaparte, C. J., "The Initiative in the Choice of Elective Municipal Officers," in Nat. Mun. League *Proceedings*, XV, 77 (1909).

Branson, W. J., "The Philadelphia Nominating System," in *Annals*, XIV, 18 (1899).

Bryce, James, *The American Commonwealth*, II, chs. 60–62 (4th edition).

Clark, C. C. P., "A Logical System of Municipal Elections," in Nat. Mun. League *Proceedings*, I, 524 (1895).

Cutting, R. F., "Anti-Tammany Union," in Nat. Mun. League *Proceedings*, VII, 78 (1901).

Dallinger, F. W., *Nominations for Elective Offices in the United States* (1897). Most thorough and scholarly work on the subject down to 1897.

Deming, H. E., "Recent Primary Legislation and Statutory Provisions Regulating Independent Nominations to Elective Public Office," in Nat. Mun. League *Proceedings*, X, 328 (1904).

—— "The Fundamental Principles Underlying the Proposed Municipal Nominating Law," in Nat. Mun. League *Proceedings*, X, 337 (1904).

—— "Some Dangers of the Control by Permanent Political Organizations of the Methods of Nominating to Elective Municipal Office," in Nat. Mun. League *Proceedings*, XI, 347 (1905).

Deming, H. E., "Municipal Nominating Reform," in *Annals*, XXV, 203 (1905).

Direct Primary Nominations: Why They Should Be Adopted for New York. Pamphlet published by the Citizens' Union of New York City (1909).

Easely, R. M., "The Sine Qua Non of Caucus Reform," in *Rev. of Rev.*, XVI, 322 (1897).

Eaton, Dorman B., "Primary Elections," in Lalor, III, 343. Relates chiefly to conditions in New York before 1898.

Fox, D. R., "Voters' Leagues and Their Critical Work," in *Nat. Mun. Rev.*, II, 664 (1913).

Fuller, R. H., *Government by the People* (1908), ch. 4. On the primary.

Green, F. W., "Facts About the Caucus or Primary," in *No. Am. Rev.*, CXXXVII, 257 (1883). Old evils of the caucus.

Guthrie, G. W., "The Right of Every Elector to a Free and Equal Share in the Selection of Candidates for Municipal Elective Office," in Nat. Mun. League *Proceedings*, XI, 351 (1904).

Hotchkiss, W. H., "The Movement for Better Primaries," in *Rev. of Rev.*, XVII, 583 (1898).

Jones, C. L., *Readings on Parties and Elections* (1912), 321 ff. On Chicago Municipal Voters' League.

King, Hoyt, "The Reform Movement in Chicago," in *Annals*, XXV, 235 (1905).

McLaughlin and Hart, *Cyclopedia of American Government*, II, 49, "Primary."

Meyer, C. E., *Nominating Systems* (1902), pt. 1, ch. 3. On the corrupt caucus.

Munro, W. B., *Government of American Cities* (1916), ch. 6.

National Conference on Primary Election Reform, *Proceedings* of New York Meeting, 1898 (Chicago, 1898).

National Municipal League *Proceedings*, XIV, 85 (1908), "Militant Political Work for Better Governed Cities."

National Municipal Review, IV, 484 (1915), "Chicago's Mayoralty and Councilmanic Election" (1915).

—— *Ibid.*, 655, "Illinois City Elections Law."

—— *Ibid.*, 114 (1916), "Philadelphia's Mayoralty Election" (1916).

—— V, 486 (1916), "Boston's Municipal Election" (1915).

National Municipal Review, *ibid.*, 488, "Chicago's Primary and Municipal Election" (1916).

Nearing and Trowbridge, "Political Organizations and Primary Legislation in Pennsylvania," in Nat. Mun. League *Proceedings*, XI, 293 (1905).

Ostrogorski, M., *Democracy and the Organization of Political Parties* (1902), II, pt. 5, ch. 1.

—— *Democracy and the Party System* (1910), ch. 6.

Party Rules, usually obtainable from the chairman or secretary of a party committee.

Pavey, F. D., "State Control of Political Parties," in *Forum*, XXV, 99 (1898).

Porter, M. P., "Nominations and Elections," *Nat. Mun. Rev.*, III, 577 (1914).

Remsen, Daniel S., *Primary Elections*.

Ruppenthal, J. C., "Election Reform: The Trend toward Democracy," in *Annals*, XXVIII, 411 (1906). Mainly a discussion of State legislation.

Scott, F. H., "The Municipal Situation in Chicago," in Nat. Mun. League *Proceedings*, IX, 148 (1903). On work of the Municipal Voters' League.

Smith, E. B., "The Municipal Voters' League of Chicago," in *Atlantic Monthly*, LXXXV, 834 (1900).

Sparling, S. E., "The Chicago Voters' League," in *Outlook*, LXXI, 495 (1902).

State Statutes, relating to primaries.

Taylor, Graham, "Civic Significance of the Chicago Election," in *The Survey*, XXXIV, 61 (1915).

Verplanck, J. D. L., "A Problem of Primaries," in *Annals*, XXVIII, 442 (1906).

Whitridge, F. W., "Caucus System," in Lalor, I, 357.

Wilder, A. P., "Primary Election Laws," in Nat. Mun. League *Proceedings*, VI, 212 (1900).

Woodruff, C. R., "The Unsatisfactory Character of Present Methods of Nominating to Municipal Elective Office," in Nat. Mun. League *Proceedings*, X, 366 (1904).

—— "The Requisites of a Municipal Nomination Law," in Nat. Mun. League *Proceedings*, XI, 366 (1905).

CHAPTER V

NOMINATIONS FOR COUNTY AND STATE OFFICES. THE CONVENTION SYSTEM. ITS EVILS AND THE REMEDIES PROPOSED

Delegate convention prevailing method for nominating *county* and *State* officers until recently

Until the adoption of the direct primary system, which will be fully explained in the next chapter, it had been an almost universal practice for candidates for the various elective *county offices* to be nominated by *county conventions* composed of delegates from the various towns and cities in the county. The call for these conventions was issued by the county committee, sometimes called the county central committee. The number of delegates to which each city or town was entitled was stated in the call.

A large proportion of the *State offices* are filled by appointment. The appointing power is almost always vested in elective officials who, before the direct primary was adopted, were nominated by the *State convention* of the party. This convention was composed of delegates chosen by the party voters either directly at the primaries in the cities and towns or indirectly by county or district conventions. Judges of the State courts, however, were often chosen by conventions of delegates in the different judicial districts into which the State may be divided.

Candidates for the *State senate* in the past have generally been nominated by *senatorial district con-*

ventions, composed of delegates chosen at caucuses or primaries of the party voters of the cities and towns forming the senatorial district. In States where each county is represented in the senate, the candidates have generally been nominated by the county conventions.

Candidates for the State *house of representatives*, or lower branch of the State Legislature, have generally in the past been nominated by *district conventions*, composed of delegates chosen at the caucuses or primaries of the party voters of the cities or towns forming the representative or assembly district. In the few States where each town sent a representative to the legislature, the candidates for the lower house were nominated in the town caucus or primary.

The number of delegates sent to these different conventions varied. It was generally determined by the city, town, county, district, or State committees according to the number of votes polled by the candidates of the party at some recently preceding election. Usually the State conventions were large bodies, having, in the case of New York and Massachusetts, and perhaps other States, over a thousand delegates.

The "convention system"

The "convention system," as nomination by conventions is called, was the prevailing method for about seventy years after 1840, and formed a distinctive feature of the American party system. "Of no other political phenomenon has the influence on the government and on the character of public men been so powerful." [1] Prior to 1840 State, district, and

[1] E. L. Godkin, *Unforeseen Tendencies of Democracy*, 59.

county officials had been nominated in a variety of ways, the most important of which was the method of nomination by "legislative caucus." This was a caucus of the party members of the State Legislature, sometimes reinforced by the admission of unofficial members of the party to represent districts having no member of the legislature belonging to that party. As the means of travel and communication improved, and with the spread of Jacksonian democracy, the legislative caucus fell into ill-repute and was succeeded by the convention system. This, at the time, was looked upon as a great improvement over earlier methods, since it seemed to give to the rank and file complete control over party nominations.

In *theory*, convention system nearly ideal

In theory it must be granted that the convention system is well-nigh perfect, for it admits of the purest application of the principle of representative or delegated authority. Theoretically, the voice of each voter can be transmitted from delegate to delegate, until finally it finds perfect expression in the legislature, the executive, or the judiciary. The nearest approach to such ideal conditions was reached by the convention system during its early days. When so conducted as to command the confidence and respect of the voters, it was the foundation of party success. It furnished an excellent opportunity for the perfection of party organization. It furnished an opportunity for estimating a party's strength, since the conventions were composed of men from every locality and from every part of the State who were familiar with party conditions in their home communities. It afforded an opportunity for judg-

ing of a candidate's popularity, for arousing party enthusiasm, for conciliating factions, for formulating the party platform. Conventions were, in theory, deliberative bodies, thoroughly representative of every locality, faction, class, and interest comprised in the party. For these reasons its defenders still regard the convention system as a most valuable instrument in the hands of the party.[1]

In *practice* serious *defects* have developed

It was not long before the convention system, however admirable in theory, became, like the electoral college, quite transformed in practice. In the last decade it has been made the object of most serious assault by political reformers, and in the majority of States it has either been abolished by statute or greatly restricted in operation. This is partly due to the fact that some of the evils which characterized the unregulated caucus or primary have also appeared in connection with the nominating convention. In addition to these, the nominating convention has developed evils or defects which are peculiar to itself. Among the most important and serious *weaknesses of the convention system*, the following may be mentioned:

(1) These defects appear in the character of delegates

(1) The convention system rarely attracts as delegates men who represent the best type of citizenship; on the contrary, the controlling majority is usually made up of adherents of some political machine. The following description of the personnel of a Cook County convention, held in Chicago in 1896, may not be true of conventions generally, but it serves to illustrate the possibilities of the convention system with respect to the character of the delegates. Con-

[1] C. E. Meyer, *Nominating Systems*, 48–54.

ventions of the character described below can hardly be expected to make the best nominations for public office.

"Of the delegates, those who had been on trial for murder numbered 17; sentenced to the penitentiary for murder or manslaughter and served sentence, 7; served terms in the penitentiary for burglary, 36; served terms in the penitentiary for picking pockets, 2; served terms in the penitentiary for arson, 1; ex-Bridewell and jailbirds, identified by detectives, 84; keepers of gambling-houses, 7; keepers of houses of ill-fame, 2; convicted of mayhem, 3; ex-prize-fighters, 11; pool-room proprietors, 2; saloon-keepers, 265; lawyers, 14; physicians, 3; grain dealers, 2; political employees, 148; hatter, 1; stationer, 1; contractors, 4; grocer, 1; sign-painter, 1; plumbers, 4; butcher, 1; druggist, 1; furniture supplies, 1; commission merchants, 2; ex-policemen, 15; dentist, 1; speculators, 2; justices of the peace, 3; ex-constable, 1; farmers, 6; undertakers, 3; no occupation, 71; total delegates, 723." [1]

(2) Interim between election and convention

(2) The considerable period of time which usually elapses between the choosing of the delegates to a convention and the convening of the convention affords abundant opportunities for the bribery of delegates or the bringing to bear of other corrupt influences. This is especially likely to occur in exciting contests where the race between rival candidates for a nomination is close and the change of a few votes will determine the result.

(3) Delegates are sometimes elected who have no

[1] *Rev. of Rev.*, XVI, 322 (1897).

intention of attending the convention for which they have been chosen. They transfer their credentials, often for a valuable consideration, to unscrupulous politicians who serve as their substitutes or "proxies." [1] The use of proxies is now forbidden by statute or by party rules in some States. The practice of selecting an equal number of alternates at the same time the delegates are chosen, to serve in their places if the delegates are unable to attend the convention, has extensively, though not wholly, displaced the proxy system.

(3) The use of "proxies"

(4) It is a not uncommon occurrence for "contesting delegations" to be organized by a faction defeated at the primaries, for the purpose of appearing at the convention and contesting the admission of regularly elected delegations. Such contested cases are always referred to the committee on credentials usually appointed by the temporary chairman of the convention. If the chairman is in league with the defeated faction, he appoints to the committee on credentials men favorably disposed to the admission of the contestants. In this way the will of the majority as reflected in the results of the primary has more than once been overridden in the conventions dominated by some political machine. At other times the dispute is compromised by admitting both delegations but allowing to each delegate only half a vote.

(4) "Contesting" delegations

(5) Convention proceedings not infrequently are marred by violence, disorder, fraudulent manipula-

[1] For an illustration of the flagrant misuse of proxies in Massachusetts, see R. S. Hoar, in Intercollegiate Civic League *Report*, 1910.

(5) Disorderly or fraudulent proceedings

tion of votes, and unfair rulings by chairmen. Convention chairmen can be found who never see a member of the opposing faction rise to speak. "Though a hundred men yell 'No,' the chairman can hear only 'Yes.' Though a dozen written resolutions may be started toward the chairman's desk, they are lost on the way. Finally, in the midst of an uproar in which it is impossible to hear how the delegates vote, amidst hisses and catcalls and cheers, the nominations are declared to be made."

(6) Complexness of system

(6) The convention system, by reason of its complexity, only partially gives expression to the wishes of the individual voter. He has very little opportunity to express his opinion directly or indirectly in regard to the different candidates for the various offices. In New York State, for instance, until the passing of the direct primary law in 1913, the party voters in an election district met in a caucus or primary several months before the election and selected candidates for local offices, a set of delegates to the county convention, another set to the assembly district convention, a third set to the senatorial district convention, and a fourth set to the congressional district convention. The delegates to the county convention met a little later and selected the party candidates for county offices and a set of delegates to the State convention. Similarly, the delegates to the other conventions met and selected candidates for the legislature and for Congress. Finally, the State convention met and selected the party candidates for the State offices. The voter at the primary could not have the remotest idea as to what candidates

for State offices his vote would be instrumental in securing. In the caucus or primary he was acting in the dark. Practically he had either to follow the direction of his party leaders or do nothing. The result was that the average voter did nothing.[1]

(7) The nominating convention has become, in the majority of cases, simply a cut-and-dried affair to ratify the agreement reached beforehand by the party leaders respecting the distribution of nominations. This brings out perhaps the most conspicuous evil connected with the convention system, namely, boss or machine control of conventions.

(7) "Boss" or "machine" control

"In theory party candidates are selected by those who have been chosen by the party voters to represent them in conventions. In practice, the delegates to nominating conventions are generally mere pieces on the political chess-board, and most of them might as well be inanimate so far as effective participation in the choice of candidates is concerned. Party candidates are in effect generally appointed by those who have not been invested with any such appointing power." [2] As in the caucus or primary, nominations are really made by a little group of party bosses who meet in secret and make up a "slate" or ticket, usually with a view to the preservation of their control of the party machinery and rarely with an eye single to the best interest of the people of the State. Conventions have thus become "the market-places of politics." Here the "trades" are made between

[1] *Outlook*, XCI, 370 (1909).

[2] Governor Hughes, of New York, quoted in *Outlook*, XCI, 91 (1909).

the bosses that force inefficient men into public offices to pay political debts.

Consequences of machine control

Four important consequences of boss or machine control were pointed out by Governor Hughes, of New York. "It has a disastrous result upon party leadership. The power of nominating candidates, which has come to rest largely upon party leaders, is so important that it offers a constant temptation to the manipulation of party machinery for its preservation in the hands of individuals. It tends to discourage party voters from participating in the affairs of the party. The average voter is an infrequent attendant at party caucuses and primaries. The present indirect system of nominating candidates has convinced the average citizen of the futility of any contest in the primaries, and only a small percentage of the enrolled voters go through the motions of voting for delegates already selected for them by the leaders. The primary vote for delegates to conventions is largely cast by those who make more or less of a profession of politics. . . . Candidates too often regard themselves as primarily accountable not to their constituents, nor even in the broad sense to their party, but to those individual leaders to whom they realize they owe their offices, and upon the continuance of whose favor they feel that their political future depends. To the extent that party machinery can be dominated by the few, the opportunity for special interests which desire to control the administration of the government, to shape the laws, to prevent the passage of laws, or to break the laws with impunity, is increased. These

interests are ever at work, stealthily and persistently endeavoring to pervert the government to the service of their own ends. All that is worst in our public life finds its readiest means of access to power through the control of the nominating machinery of parties." [1]

Remedies: (1) Reformation of convention system

To remedy the evils or defects of the convention system, a variety of suggestions have been made and a number of experiments have been tried. They fall into two main classes: changes that would retain the convention system, but would so reform it as to do away with its most glaring evils; and changes that aim to bring about the abolition of the convention system, in whole or in part, and to place the right to make nominations directly in the hands of the people.

Some of the evils of the convention system have been diminished or eliminated by the adoption of a few simple and intelligent *party rules* providing for some form of registration or enrolment of the party voters; for giving sufficient notice of the time and place of caucuses or primaries for the choice of delegates; for the orderly procedure of primaries and conventions; for the fair and impartial settlement of disputes arising within the party; for the prohibition of the use of proxies; and providing that all appointive Federal, State, county, and municipal office-holders shall be ineligible to serve as delegates in any convention.[2] For such party rules to effect any real

[1] *Ibid.*; also *Direct Primary Nominations: Why They Should Be Adopted for New York* (pamphlet), 10.

[2] Dallinger, ch. 8.

reform, it is necessary to have honest and energetic men in control of the committees charged with the enforcement of those rules. In many places, where the great mass of voters are ignorant or where the machine has secured a grip upon the party organization, it has been impossible to obtain such rules, or else they have proved wholly ineffective.[1]

It is through legislation, therefore, that the most serious evils of both the caucus and the convention system have been attacked and when not eradicated have at least been checked. Some of this legislation has been briefly indicated in the preceding chapter; whatever reforms affect the caucus or primary are bound to react on the convention system. Likewise, any adequate reform of the evils of the convention system must take the primaries into account, for the two institutions are vitally related.

Among other suggestions coming from those who seek to reform rather than to abandon the delegate convention are the following: It has been proposed that after the delegates from the lowest political units have been elected in fair, well-guarded primaries, each town, city, or county delegation to the convention shall elect a chairman or foreman. This chairman, acting for his delegation, shall hand in to the convention all the nominations desired by a plurality of his delegation, and the nominations thus filed by the different delegations the convention shall post on a large bulletin-board and then proceed to vote on such names, and no others, by secret ballot, under the supervision of officials named by public-

[1] *Ibid.*, 172, 199.

election commissioners.[1] Another suggestion has been made, to the effect that after securing properly guarded primaries all nominations in conventions should be by printed ballots, each ballot bearing the name of the delegate voting it, and to be given official record. This would make the delegate, it is claimed, directly responsible to his constituents and to the public. Neither of these suggestions, however, has yet secured any considerable body of supporters.[2]

The referendum in nominations.

A third proposal advocates "the referendum in nominations" as a device that will serve as a very effective check on arbitrary and irresponsible action by the party organization. Under this system no nomination by a party convention will be accepted as the nomination of the party if within a certain time a petition signed by a certain percentage of the enrolled voters of the party is filed asking that the nomination be referred to the party voters. Should the convention have proposed a man for office in opposition to the wish of a majority of the party members, the referendum will give them an opportunity to reject the nomination by direct vote and to make a substitution. The occasion for the actual use of the referendum, it is argued, would rarely arise, yet the possibility of its exercise would prove most beneficial. The serious threat of the referendum would ordinarily be sufficient to cause the party leaders either to accept a compromise or to make the nomination that seemed to be demanded by a majority of the party. Their practical common sense

[1] Woodburn, 291. [2] *Ibid.*

would not permit them to risk the loss of prestige that an adverse vote would cost.[1]

(2) Destruction of convention system by petitions or direct primary

Two important movements go much further in combating the evils of the convention system than any thus far considered, namely, nomination by petition or by "nomination papers" and nomination by direct primary elections. Both of these movements look upon the nominating convention as so inherently bad that it cannot be reformed and therefore seek to abolish it.

Nomination by petition, or by filing nomination papers, as has already been explained,[2] came into use to a very limited extent in connection with the introduction and general adoption of the Australian ballot. It is now proposed to abolish not only the nominating convention, but also nominations by primaries and caucuses, and to substitute the single method of nomination by petitions signed by a specified number of voters and to apply this system to all nominations. Applied solely to local elections, the petition method of nomination has made considerable progress within the past few years. It seems well adapted to the needs of municipalities, for it reduces partisanship to a minimum; indeed, it practically eliminates national politics from local elections. Thus far there has been no wide demand for a more extended application of the system. Nevertheless, its supporters and defenders are becoming

[1] R. H. Whitten, "Referendum in Party Nominations," in *Municipal Affairs*, VI, 180 (1902).

[2] See chapter IV.

more numerous and influential, and the future is likely to see its wider application.[1]

The movement for *direct primary elections* does not go so far in its antagonism to the convention system. True, it seeks to abolish the nominating convention entirely; but where this cannot be accomplished at once it is content to bring about a partial or gradual abolition. Many States, for example, have dispensed with the nominating convention for the nomination of candidates for local and county offices and for members of the State Legislature, at the same time retaining the State convention for nominations for the highest elective State offices. Again, the direct primary election movement differs from the system of nomination by petition in that it retains the primary system and makes that the all-important factor in the nominating process. The movement for direct primary elections will be more fully discussed in the following chapter.

QUESTIONS AND TOPICS

1. Trace the early development of nominating conventions in Massachusetts and Pennsylvania.

2. Discuss the early political uses of the word "convention."

3. (*a*) If the convention system exists in your State, what is the law regarding the time of holding city, county, and State conventions and the time within which certificates of nomination must be filed?

(*b*) How are the delegates to the county, district, and State conventions chosen in theory and in actual practice?

4. How may vacancies occurring in a party ticket before the election be filled in your State?

[1] C. E. Merriam, *Primary Elections*, 85, 135.

5. What qualifications are prescribed by the constitution or laws of your State for county and State officers?

6. Describe the preliminaries and procedure of a county or legislative district convention. (See Dallinger, ch. 2.)

7. Describe the preparations for and procedure of a State convention. (See Dallinger, ch. 3, and Jones's *Readings*.)

8. Discuss the operation of the laws of those States which permit nominations by petition for municipal offices.

9. European methods of making nominations. (See Lowell's *The Government of England* and *Government and Parties in Continental Europe*, Munro's *Government of European Cities*.

10. Make a list of the State and county officials in your State who are elected by popular vote.

11. How has the method of nomination by petition worked out in Boston? (See Munro, *Government of American Cities*.)

12. The composition and functions of the county convention and State convention in Illinois under the direct primary law of 1913.

13. Discuss the merits of the proposal for a referendum on convention nominations. (See Whitten.)

14. The proposed law in California in 1915 for non-partisan State elections and the reasons for its defeat.

BIBLIOGRAPHY

Ashley, R. L., *The American Federal State* (1902), ch. 23.

Beard, C. A., *American Government and Politics*, ch. 7 and pp. 685 ff.

Benton, Thomas H., *Thirty Years' View*, 2 vols. (1857). On the beginnings of the convention system.

Binkerd, R. S., "The Doom of the Old Machine Convention," in *Rev. of Rev.*, XLI, 597 (1910).

Bryce, James, *The American Commonwealth*, II, chs. 61–62 (4th edition).

Dallinger, F. W., *Nominations for Elective Offices in the United States* (1897).

Deming, H. E., and Trowbridge, L. W., "Political Organization and Primary Legislation in New York, 1882–1904," in Nat. Mun. League *Proceedings*, XI, 309 (1905).

Direct Primary Nominations: Why They Should Be Adopted for New York. Pamphlet published by the Citizens' Union, 1909.

Easley, R. M., "The Sine Qua Non of Caucus Reform," in *Rev. of Rev.*, XVI, 322 (1897).

Ford, H. J., *Rise and Growth of American Politics* (1898), ch. 16, "The Convention System."

Fuller, R. H., *Government by the People* (1908), ch. 5, on Nominations.

Hoar, R. S., "Proposing State Legislation," in Intercollegiate Civic League *Report*, April, 1910. Describes packed conventions in Massachusetts.

Jones, C. L., *Readings on Parties and Elections*, 57 ff. Quoting Mr. La Follette on corrupt conventions.

Luetscher, G. D., *Early Political Machinery in the United States* (1903), chs. 3–4.

McLaughlin and Hart, *Cyclopedia of American Government*, I, 461, "Conventions, Political."

Meyer, C. E., *Nominating Systems* (1902), pt. 1, ch. 5. On the corrupt convention.

Ostrogorski, M., *Democracy and the Organization of Political Parties*, II, pt. 2, ch. 5.

—— *Democracy and the Party System*, ch. 7.

—— "Rise and Fall of the Nominating Caucus, Legislative and Congressional," in *Am. Hist. Rev.*, V, 253 (1899–1900).

Outlook, The, XCI, 91 (1909), "Governor Hughes on Party Nominations."

—— XCVI, 334 (1910), "Tammany's Opportunity." On New York Democratic convention, 1910.

Roosevelt, Theodore, "A Fight for Clean Government and Popular Rule," in *Outlook*, XCVI, 342 (1910). On New York Democratic convention, 1910.

Walton, J. S., "Nominating Conventions in Pennsylvania," in *Am. Hist. Rev.*, II, 262 (1897).

Whitten, R. H., "Referendum in Party Nominations," in *Municipal Affairs*, VI, 180 (1902).

CHAPTER VI

NOMINATIONS BY DIRECT PRIMARY ELECTION

Where the system of nomination by direct primary election is operative most, if not all, of the candidates who have hitherto been named by the party voters *indirectly* through delegate conventions are now nominated *directly* at the primaries. Hence the name *direct* primary. The direct primary, however, is something more than an ordinary caucus or primary. It is usually conducted by the regular election officials, at the place where the regular elections are held, and is accompanied by all the formalities and safeguards which surround a regular election. Hence the expression, direct primary *election*.

Procedure under direct primary method

The operation of the direct primary election method is in brief as follows: A person who desires to become the candidate of his party for an office is required to secure a certain number of signatures to a petition, the number increasing with the importance of the office sought. This petition is filed with the proper official a certain number of days before the date of the primary election, and it entitles the person named therein to have his name printed on the official ballot to be used at the primary election. On the day of the primary election, the voter goes to the polling-place and receives an official ballot of his party and then passes in review the several aspirants for nomi-

nation whose names appear on the ballot. The voter indicates on the ballot those persons whom he wishes to stand as the candidates of his party. In case he is not suited with those whose names are printed on the ballot, he may be allowed to write in the name of some other person whom he prefers for a given office. The ballots are finally counted as in an ordinary election, and those persons receiving the highest vote of their respective parties are officially declared to be the party's nominees, and their names appear on the official ballot used at the regular election which follows.

"Closed" and "open" primaries

There are two kinds of direct primaries, the "closed" primary and the "open" primary. In closed primaries participation is limited by law to the members of the party who have been previously enrolled or who have complied with some sort of test of party allegiance. In the open primary a voter may vote for the candidates for nomination of any party, and no attempt is made to prevent Democrats from taking a hand in Republican nominations and *vice versa*. The best example of the open primary is to be found in the State of Wisconsin. Each voter in the Wisconsin primary is given ballots of all the parties printed on separate sheets but fastened together and folded. He marks the ballot of the party with which he wishes to participate and deposits it in the regular ballot-box, at the same time placing the unused ballots in "the blank ballot-box."

In favor of the Wisconsin plan, it is urged that "it protects the secrecy of the ballot; that it makes intimidation or undue influence impossible; that the

requirement of the party test is both unnecessary and useless; and that the test of allegiance excludes only the honest citizens, while admitting the dishonest and corrupt."

Offices to which direct primary is applied

Strong objection to the Wisconsin system has been made on the ground that, "without some sort of party test, the responsibility of the party for the character of the nominations and the platform is entirely broken down. Members of the Republican party may assist in the nomination of weak Democrats, or *vice versa*, and unscrupulous leaders may readily transfer blocks of voters without regard to party lines. When a corrupt machine is threatened by the nomination of an aggressive reformer, it is possible to avert this menace by the use of available members of the other machine. In these ways, it is held, the responsibility of the party may be completely destroyed, or at any rate seriously crippled, and reform movements may be made more difficult." [1]

The extent to which the direct primary has been applied varies greatly in different States. (1) In some States only the selection of delegates to nominating conventions by direct primary is required, it being left optional with political parties to use the direct primary for the nomination of candidates for office. (2) Another group of States requires (or makes optional) the use of the direct primary in nominations for local offices, and requires the direct primary for the nomination of county officers, members of the State Legislature, judges of the inferior courts, and representatives in Congress; retaining, however,

[1] Merriam, 148.

the convention for the nomination of the most important State officers, such as governor, secretary of state, and judges of the highest courts. (3) In its most extended application, the direct primary system is made to cover nominations for local and county offices, all State offices, representatives and senators in Congress. This is called a "State-wide" direct primary and now exists in about thirty States. (4) One State, Iowa, applies the direct primary election method to the nomination of Federal officers, State and local officers, except judges of the State courts, but supplements the primary by the action of a delegate convention in case candidates for certain offices do not receive thirty-five per cent of the total party vote.

Provisions commonly found in direct primary laws

With a few exceptions, the direct primary systems in operation in the different States, although differing greatly in details, have the following points in common:

(1) The primaries of the different parties are held on the same day and at the same place.

(2) Some form of the Australian secret ballot is used.

(3) Usually the ballots are of uniform size, shape, and color and are printed at public expense.

(4) All names printed on the official ballot appear there as the result of filing nomination petitions a certain number of days before the day of the primary election, and are usually printed in alphabetical order.

(5) The regular election officials preside and are paid out of the public funds.

(6) The polls are open a specified number of hours, as at a regular election.

(7) Nominations are generally made by plurality vote, although in some States a certain percentage of the total party vote is required. In a few States the voters indicate their first and second choices on the ballot, and a majority vote is required for nomination.

(8) The statutes against corrupt practices at elections are extended to cover these primary elections.

Hughes's plan for nominations by party committees

(9) The more recent laws generally provide for the choice of party officers—that is, the members of the different party committees—at the time when other nominations are made, and on the same ballot. In New York, Governor Hughes strenuously urged the adoption of this feature, with the added provision that the party committees so chosen should be allowed to present a party ticket for approval or rejection by the party voters at each primary election. The aspirants named by the party committees should be announced some time prior to the primary elections. If, for any reason, any or all of the names thus suggested are not satisfactory to the party voters, others may be added to the ballot by the usual petition. At the primary election which follows the voters would have an opportunity to indicate their approval or disapproval of the candidates put forward by the party officials. Four advantages are claimed for this proposed innovation. First, the party organization would be preserved intact, while, at the same time, the party voters would have the opportunity, now ordinarily lacking, to repudiate as well as to ratify the selections made by the party leaders. Thus, it is believed, the leaders could be

made to feel a greater sense of responsibility to the voters at large. Secondly, in States where party organizations are strong and well disciplined it is probable that the organization would have its own candidates for nomination under any system that might be devised, and it is urged that it would be better that the organization should show its hand than that it should act in an irresponsible or secret manner. In the third place, by this method the support of, and, in equal degree, opposition to, the party committee's candidates could be concentrated; thus insuring fewer nominations, avoiding the necessity of requiring a large number of signatures to petitions, and incidentally effecting a corresponding economy. Finally, fusion on judicial and other officers would, it is claimed, be easier to initiate.[1]

Test of party allegiance

(10) Most direct primary election systems attempt to prescribe some test of party membership in order to prevent the members of one party interfering with the nominations of an opposing party. This problem of the party test is one of the most serious questions which has arisen in connection with the direct primary system of nominations, and no general or wholly satisfactory solution has yet been reached. "It is difficult to prescribe conditions of party allegiance without at once preventing that independence in voting which is the hope of decent politics."

The experiments along this line may be grouped into three classes:[2]

[1] *Direct Primary Nominations . . . for New York*, 42.
[2] Beard, 687 ff.

Where personal registration is a prerequisite to voting, the voter on registering is given an opportunity (which he is usually permitted to decline) of declaring his party affiliation. From the record of such declarations a list of party voters is made up, and this serves as the voting list for the ensuing primary election. Such a system exists at present in New York. The voter is there required to fill out a blank stating the party with which he intended to participate. At the same time he subscribes to the following declaration: "I am in general sympathy with the principles of the party which I have designated by mark hereunder; it is my intention to support generally at the next general election, State or national, the nominees of such party for State and national offices; and I have not enrolled with or participated in any primary election, or convention, of any other party since the first day of last January." [1]

In other States, the voter at the direct primary election asks for and receives the ballot of the party in whose nominations he wishes to take part. If challenged, he takes an oath to the effect that he is a member of that party, that he supported it at the last election, or intends to vote for at least a majority of that party's candidates at the coming election. Frequently an official party list is made up from such requests and declarations under oath.

A third method, prevailing in the Southern States, is one by which the imposition of any test of party allegiance is left to the respective party officials operating under organization rules.

[1] *Laws of 1916.*

The movement to substitute the direct primary for the delegate convention has spread rapidly in the last decade, until at the present time (1917) forty-three States employ the direct primary method in varying degrees.[1]

The non-partisan primary

One of the most recent developments of the direct primary system has been the so-called *non-partisan primary*. The feeling that the choice of municipal officers, and especially the judges of our State courts, should be freed as much as possible from national partisanship has led to the enactment in a number of States of laws requiring the nomination of such officials[2] by direct primary election, but with this distinguishing feature: the names of all candidates of all parties for such offices are printed upon a special ballot, separate and distinct from the party primary ballot for other nominations, and this special ballot contains no indication whatever as to the party affiliations of those whose names appear thereon. Hence it is called the "non-partisan ballot." This innovation was greeted with delight by some political reformers, but the results have proved disappointing, notably in Pennsylvania.[3] Partisanship has been eliminated only nominally, for where political ma-

[1] *American Year Book, 1915*, p. 86. Only Rhode Island, Connecticut, Delaware, New Mexico, and Utah are without the direct primary in some form.

[2] In 1913 Minnesota passed a law providing for the election of members of the legislature on a non-partisan ballot.

[3] The non-partisan primary in Philadelphia in September, 1913, for judges of the State courts became "in the hands of the Organization a veritable burlesque." Its futility as an instrument of independent choice was shown "to the disgust of independents and the satisfaction of the Organization."—*Public Ledger*, September 28, 1913.

chines are highly developed the party managers before the primary have simply agreed upon the candidates whom the "organization" will support and passed the word along to the rank and file who vote in the manner thus indicated.

"The master force which impels the direct primary movement," as one of its opponents[1] truly says, "is the desire for popular control of government." It commends itself to the masses as a means of giving power to the people. If the people are wise enough to elect their officers, are they not wise enough to *nominate* them? The most optimistic believed that the new institution would be a panacea for all our political ills; that it would, like a magnet, draw every recalcitrant voter to the polls, where he would promptly put the rascals to flight and inaugurate an era of political purity. The specific *advantages* claimed for the direct primary may be enumerated as follows:

Advantages of direct primary

(1) Active political work on the part of the rank and file of the party is encouraged because the direct primary makes it easier for the ordinary voter to exert an influence on the choice of the committeemen and candidates.

(2) It brings out a larger vote to the primaries. From twenty-five to seventy-five per cent of the party voters quite regularly come out to the direct primary, and when an especially sharp contest is on from fifty-five to eighty-five per cent come out.[2]

(3) The direct primary is simpler than the conven-

[1] H. J. Ford, in *No. Am. Rev.*, CXC, 1 (1909).
[2] *Direct Primary Nominations . . . for New York*, 15.

tion system. Under the latter there is a primary followed by the various conventions. Under the direct system, one day's primary election usually settles everything, and the whole cumbrous and expensive machinery of the delegate convention is abolished.

(4) Where the party committeemen are chosen directly by the voters, the system "promotes true party leadership by making it less susceptible to misuse and more in accord with general party sentiment."

(5) It is claimed that the direct primary "secures the nomination of better men by making their nomination depend upon the presentation of their claims to the voters, instead of upon secret manipulations." A more conservative statement would be that the direct primary is an institution for bringing out a conspicuously fit person or for attacking a conspicuously unfit one or one whose alliances are conspicuously unfit.

(6) The direct primary, it is claimed, takes away from the politicians much of their former control over nominations and places that control more nearly in the hands of the people. The result is to make "the elective officer more independent of those who would control his action for their own selfish advantage and enables him to appeal more directly to his constituency upon the basis of faithful service." Thus it proves "a strong barrier against the efforts of those who seek to pervert administration to the service of privilege or to secure immunity for lawbreaking." [1]

[1] Governor Hughes, quoted in *Outlook*, XCI, 91 (1909).

(7) Bribery and corruption are rendered, if not more difficult, at least less potent than formerly in determining nominations.

(8) The simplification of our large and confusing ballot is a result that may ultimately be looked for. While the direct primary does not reduce the number of elective offices, it will have a constantly increasing influence to that end, because it will serve to keep before the voter the magnitude of the political burden unnecessarily loaded upon his shoulders.[1]

***Objections* to direct primary**

Against the direct primary system a large number of *objections* have been raised. They are often advanced by the old type of machine politician and bosses, who appear to believe that their power and influence will be destroyed by the new system. Irrespective, however, of the character of the objectors, the objections themselves deserve consideration. They may be briefly enumerated as follows:

(1) The character and efficiency of public officials have not been improved under the direct primary system.

(2) Corruption in politics has not been diminished. On the other hand, it is claimed that the new system "tends to promote, rather than to check, electoral corruption. A primary election is merely another election, and as elections are now conducted we have enough of them. A primary is merely another opportunity for the 'floater' and the 'grafter.' A large and corrupt use of money is encouraged." [2]

[1] C. R. Woodruff, in *Forum*, XLII, 493 (1909).

[2] Woodburn, 435. The Illinois direct primary held in April, 1916, at which only the delegates to the national convention and the county and ward committeemen were chosen, is stated to have

(3) It makes it virtually impossible for any one "excepting moneyed men or demagogues to be elected to office," because of the great expense involved in canvassing for two elections, the primary and the regular election which follows.[1]

cost the taxpayers of the State approximately $700,000. For some facts relating to the cost of the May, 1914, primary in Pennsylvania, see Philadelphia *Public Ledger*, May 31 and June 1, 1914.

[1] In the municipal direct primary in Chicago in 1911 Mr. Merriam, one of the candidates for the Republican nomination, made a demand for the publication of campaign contributions and expenditures after audit by an expert accountant. Sworn statements were made by all except two candidates, and they showed expenditures ranging all the way from $10,000 to $30,000. Another case in point is that of Mr. Stephenson, who expended $107,000 in a recent campaign for the direct primary Republican nomination for United States senator in Wisconsin. Later this campaign was made the subject of an exhaustive congressional investigation. A majority of the committee reported that evidence was lacking which would prove that even this enormous sum was corruptly expended. In Pennsylvania a candidate for representative in Congress spent over $47,000 in a direct primary campaign. The expenditures by Mr. Vance McCormick, Democratic candidate for governor in Pennsylvania in 1914, in connection with the direct primary, were over $33,200; and in the same primary Senator Penrose expended over $14,600 for renomination. These items do not include other expenditures by political committees in behalf of these candidates.

On the other hand, "striking instances show that the lack of money is not a handicap, if a candidate goes to the people with issues in which they are interested. In Washington, Senator Jones, a comparatively poor man, won against a millionaire rival who spent money freely. Joseph L. Bristow won the nomination in Kansas against Chester I. Long. Long spent seven times as much as Bristow. Senator Johnson, of North Dakota, a farmer of moderate means, spent 'almost nothing' against three competitors who spent altogether over $200,000. Governor Warner, of Michigan, made the statement that in a contest for governor, just before the change to the new system, 'more money was expended than will be used in the next ten years under the direct voting system.' One well acquainted with conditions in New Hampshire says: 'In New Hampshire less money has been spent for nominations under the primary than under the old system.'"—Professor G. G. Groat, University of Vermont.

(4) Since the expenses connected with the conduct of the direct primary election are borne by the public, the system involves a large increase in taxation.

(5) The petition method of placing names on the primary ballot has created a class of mercenaries hired for the purpose of soliciting signatures to such petitions.

(6) The direct primary tends to weaken and disorganize the party, since it renders more difficult the harmonizing of differences and jealousies and misunderstandings. It affords no security for a geographical distribution of the candidates which is calculated to strengthen the party throughout the State. As tried in some States, it facilitates Democrats nominating Republican candidates and Republicans assisting in the nomination of Democratic candidates.[1]

(7) No satisfactory method has been provided for the making of a party platform. In those States where the platform is drafted by the party nominees it is asserted to be a mere "catch vote" affair and not a true embodiment of the party's principles.

(8) The new system has not dethroned the political boss or put the machine "out of business." It does not remove any of the conditions which have produced the system of machines and bosses, but intensifies their pressure by making politics still more confused, irresponsible, and costly. It parallels the long series of regular elections with a corresponding series of primary elections in every regular party organization. The more elections there are, the larger

[1] Woodruff, *op. cit.*

becomes the class of professional politicians to be supported by the community.[1]

(9) The direct primary tends to a multiplicity of candidates, with a resulting confusion of the voters. The "ring" influence can easily cause a number of respectable candidates to be brought out, and thus divide the vote of the best citizens, while the ring or machine candidate may easily obtain a larger number of votes than any of his opponents.[2]

(10) Direct primary elections are a blow at representative government and tend toward pure democracy.

(11) State-wide direct primaries favor populous centres as against rural communities.[3]

In determining the weight which should be at-

[1] Ford, *op. cit.* [2] Woodburn, 436–437.

[3] *Direct Primary Nominations . . . for New York*, 28. The following facts collected in 1913 by Professor G. G. Groat, of the University of Vermont, tend to disprove this contention. "Facts furnished from authorities in twenty-two States show that the State officers come mostly from the smaller towns and rural districts. Of the twenty-one governors chosen by direct primaries, sixteen came from towns or cities of less than 20,000 inhabitants.

"In Illinois, 5 out of 6 State officers came from towns of less than 16,000.

"In Iowa, 6 out of 7 State officers came from towns of less than 2,500.

"In Kansas, 7 out of 8 State officers came from towns of less than 5,000.

"In Missouri, 5 out of 7 State officers came from towns of less than 12,000.

"In Nebraska, 7 out of 8 State officers came from towns of less than 8,000.

"In Oregon, 2 out of 6 State officers came from towns of less than 2,000.

"In Washington, 5 out of 6 State officers came from towns of less than 10,000.

"In Wisconsin, 5 out of 6 State officers came from towns of less than 20,000."

Comparison of direct primary with the convention system

tached to these various criticisms of the direct primary system, it should be noted that many of the objections could with equal force and effect be urged against the convention system. It is believed that the new system, when fairly tried, tends to diminish rather than to increase the evils of the older methods. It is safe to say that no remedy for the evils of the convention system can be considered perfect "because human nature cannot be changed by legislation, and opportunities for political mischief will exist under any system." After all, the direct primary method must stand or fall by the *comparative* value of results achieved through its use. After a careful examination of the practical working of the direct primary system in all the different States where it has been tried, Professor Merriam, the leading authority on the subject, arrives at the following conservative and impartial conclusions:[1]

Merriam's conservative conclusions

(1) The vote cast in a direct primary election is generally greater than in a primary for the choice of delegates.

(2) The cost of campaigning where the candidates are chosen by direct vote is greater than under the other systems, partly on account of the personal canvass which is necessitated especially where a few votes may be decisive, and also by reason of the expense involved in advertising, printing circulars, distributing literature, providing for meetings, workers, etc. Nevertheless, if this outlay results in a greater education of the voters and a greater interest on their part, the expenditure is worth while.

[1] *Primary Elections*, 117 ff.

(3) The apprehension that there would be an avalanche of candidates has not been confirmed by the facts. Rarely are there more than three candidates for the same nomination, and the average is two or three.[1] There are more avowed, and fewer unavowed, candidates than under the old method.

(4) Great differences of opinion exist whether there is a better class of candidates under this new sys-

[1] To this generalization exceptions will appear in the following table showing candidates in the Democratic and Republican primaries in Illinois, September, 1916. The existence of hostile factions in each party, especially the Republican, goes far toward explaining the large number of candidates. A few withdrew before the day of the primary.

OFFICE	DEMOCRATIC	REPUBLICAN	OFFICE	DEMOCRATIC	REPUBLICAN
Governor	3	3	State Senator:		
Lieutenant-Governor	2	7	2d district	9	2
Secretary of State	5	7	4th "	9	4
Auditor of Accounts	6	10	6th "	2	6
State Treasurer	2	5			
Attorney-General	1	6	Representative in General Assembly:		
Congressmen at Large (2)	5	9	2d district	9	5
			3d "	11	6
Representatives in Congress:			4th "	9	10
2d district	5	2	5th "	10	17
3d "	5	2	6th "	6	10
4th "	3	5	7th "	6	9
6th "	4	6	9th "	9	4
7th "	6	6	11th "	10	5
8th "	7	5	13th "	7	8
			15th "	16	1
State Board of Equalization:			17th "	10	3
1st district	5	7	19th "	18	9
2d "	2	9	21st "	8	13
3d "	4	5	23d "	6	10
4th "	3	6	25th "	10	10
5th "	8	3	29th "	4	9
6th "	7	7	31st "	6	12
7th "	8	5			
8th "	9	8			
10th "	2	7			

At the primary election held in Philadelphia, May 19, 1914, there were more than 15,000 candidates for the ward committees of the different parties in that city.

tem. The direct primary seems to possess the great advantage of offering an *opportunity* at least to defeat a conspicuously unfit candidate and for the choice of one conspicuously well fitted.

(5) The direct primary election has not done away with the possibility of a list of candidates for nomination being framed beforehand by the party leaders. There is a tendency to hold informal preliminary caucuses of the leaders,[1] but the "slates" are more easily broken under the direct primary than under the old system. Moreover, the new system provides for responsible slate-makers.

(6) It is unquestionably true that the press becomes a much more important factor in the direct primary system than under the delegate plan. Since the candidate cannot meet personally all of his constituents, the attitude taken by the great organs of publicity may seriously affect his prospects.

(7) There is much testimony to the effect that the direct primary method of making nominations "has a restraining and subduing influence upon the ruling authorities and tends to elevate in importance the will of the voter in the party."

(8) As a whole, the relative merits of the convention and direct primary systems is a subject upon which there is room for much honest difference of opinion. The direct primary has justified neither

[1] This practice has become notorious in Pennsylvania and Illinois. Pre-primary conventions have actually been held in Wisconsin and Oklahoma, while in Michigan, New Hampshire, Kentucky, Washington, and New York active efforts have been made to have such pre-primary conventions authorized by law. In Washington the effort was successful in 1915. See *Am. Pol. Sci. Rev.*, IX, 310–311 (1915).

the lamentations of its enemies nor the prophecies of its friends: it has not destroyed the party organization, nor, on the other hand, has it smashed the machine.

Direct primary no panacea

In concluding this brief outline of perhaps the most important subject in practical politics at the present time, we may add that "the direct primary is not a direct route to the political millennium. The most that may be hoped from it is that it may, by making possible a fair field and no favor, enable an honest candidacy to earn success. It gives the honest candidate his chance. It takes from the dishonest candidate some, at least, of the unfair advantage that was formerly his." [1] It is "an opportunity, not a cure." It appears to work very well wherever there is any general desire among the citizens to take advantage of it. "No conceivable statutory regulations will take the place of an intelligent and active public spirit, and where that spirit is present the statutory regulations are of comparatively slight importance." Under the new order the people cannot resort to the old trick of blaming the bosses. They will find the fault within their own household. The primary is thus at its worst a means of fixing more clearly than ever upon the voter his responsibility for the welfare of his government.[2]

The best results under the direct primary will not be attained until other important political changes have been introduced. For example, there must be a material reduction in the number of elective offices

[1] W. B. Shaw, in *Outlook*, XC, 383 (1908).
[2] *Nation*, LXXXVII, 132 (1908).

for which nominations have to be made; a further extension and strict enforcement of the merit system in the civil service, so as to prevent the "organization" from throwing an army of office-holders into the field in support of a particular slate; and also elimination of the party circle or the party column on the ballot, thus compelling each candidate to stand more upon his own merits and compelling parties to be more careful in their choice of candidates.[1]

Nomination by petition and preferential voting.

In concluding this discussion of the direct primary, attention may properly be called to the fact that a considerable number of people who have been supporters of the direct primary as an improvement upon the old convention system are now advocating the abolition of the nominating primary altogether and the substitution of nomination by petition, this to be followed by the regular election, in which each voter is not restricted to the expression of a single choice among candidates for a given office but is at liberty to indicate a second and even a third choice among the candidates. Such a system is known as "preferential voting."

In a very few States the direct primary has been retained and the preferential system of voting merely applied to the primary election. This has been done in the hope and expectation of securing for party nominees the backing of a majority or an approximate majority in place of a mere plurality which is

[1] See McLaughlin and Hart, *Cyclopedia of American Government*, III, 55.

often nothing more than a minority of the party when three or more candidates are seeking the same nomination. The system of preferential voting in connection with the direct primary has not, however, gained much favor, having been tried in only half a dozen States, and recently abandoned by two of these, Minnesota and Wisconsin. Discussion of preferential voting in connection with regular elections will be reserved for the chapter dealing with election and ballot laws.[1]

QUESTIONS AND TOPICS

1. The origin and operation of the so-called "Crawford County System" in Crawford County, Pennsylvania. (See Hempstead.)
2. The old primary system of Bucks County, Pennsylvania, before 1906. (See *Annals*, XX, 640 (1902).)
3. What political conditions in your State led to, or seem to make desirable, the adoption of the direct primary system?
4. Governor Hughes and the struggle for direct primaries in New York, 1908–1911.
5. Where the direct primary system is in force, what provision is made for additional nominations after the day of the primary election?
6. What effect has the open primary system in Wisconsin had upon the Democratic party in that State?
7. What may be urged for and against giving nominations by party committees the first place on the direct primary ballot?
8. What facts tend to support or to disprove the objection that State-wide direct primaries favor populous centres against rural districts?
9. Answer the objection that direct primaries are a direct blow to representative government. (See Woodruff.)
10. Does experience prove or disprove that the man with

[1] Chapter XIII.

limited means is debarred from obtaining nomination for, or election to, public office under the direct primary system?

11. What answers can be made to the other objections to the direct primary system?

12. Explain the operation of the direct primary where a majority, instead of a plurality, vote is required to nominate and the voters indicate their first and second choices.

13. How are party platforms formulated where the direct primary prevails?

14. Direct primary legislation in the different States. (See Aylsworth.)

15. The Levy direct primary election law in New York (1911). (See Bard.)

16. The operation and limitations of the *non-partisan* direct primary. (See Munro.)

17. Arguments for and against the abolition of all primaries and the substitution of direct elections. (See Miller.)

18. Governor Sulzer's fight for direct primaries in New York, 1913.

19. The operation of the second choice or preferential feature in primary laws, notably in Wisconsin.

20. The extent to which the pre-primary caucus or convention has become established either by law or custom, and the effects.

21. What are the distinctive features of the Indiana direct primary law of 1915. (See *American Year Book, 1915.*)

BIBLIOGRAPHY

Allen, W. L., "The Trend toward a Real Democracy," in *Outlook*, LXXXIV, 120 (1906). Map showing extent of recent primary legislation.

American Political Science Review, IX, 309 (1915), "Direct Primaries." Legislation of 1915.

American Year Book, 1912, pp. 60–61, "The Direct Primary." Especially on South Dakota primary law.

Anderson, F. M., "Test of the Minnesota Primary Election System," in *Annals*, XX, 616 (1902).

Aylsworth, L. E., "Primary Election Legislation for 1909–1910," in *Am. Pol. Sci. Rev.*, VI, 60 (1912).

Bard, A. S., "The Levy Election Law," in New York, 1911. *Pol. Sci. Quar.*, XXVII, 36 (1912).

Barnett, J. D., "Forestalling the Direct Primary in Oregon," in *Pol. Sci. Quar.*, XXVII, 648 (1912).

Beard, C. A., "The Direct Primary Movement in New York," in Am. Pol. Sci. Assn. *Proceedings*, VII, 187 (1910).

Bickel, K. A., "The Direct Primary and the Preferential Method," in *Rev. of Rev.*, XLVIII, 596 (1913).

Blair, Emily N., "Every Man His Own Campaign Manager," in *Outlook*, XCVII, 426 (1911).

Bourne, Jonathan, Jr., "Popular Government in Oregon," in *Outlook*, XCVI, 321 (1910).

—— "Popular versus Delegated Government." Speech in United States Senate, 3 May, 1910.

Brackett, E. T., "The Direct Primary versus the Convention," in Acad. Pol. Sci. *Proceedings*, III, 172 (1913).

Chency, C. B., and Simpson, D. F., "Political Organization and Primary Legislation in Minnesota," in Nat. Mun. League *Proceedings*, XI, 327 (1905).

Cleveland, F. A., *Organized Democracy* (1913), ch. 16.

Direct Primary Nominations: Why They Should Be Adopted for New York. Pamphlet published by the Citizens' Union, 1909. A strong presentation of the case for direct primaries.

Dunn, A. W., "The Direct Primary: Promise and Performance," in *Rev. of Rev.*, XLVI, 439 (1912).

Fanning, C. E., *Selected Articles on Direct Primaries* (1905).

Ford, H. J., "The Direct Primary," in *No. Am. Rev.*, CXC, 1 (1909). Takes strong ground against the direct primary.

Greeley, L. M., "The Present Status of Direct Nominations," in Nat. Mun. League *Proceedings*, XVI, 328 (1910).

Hart, A. B., "The Direct Primary versus the Convention," in Acad. Pol. Sci. *Proceedings*, III, 162 (1913).

Hemphill, J. C., "How the Primary System Works" (in South Carolina), in *Independent*, LXVI, 730 (1909).

Hempstead, E. A., "The Crawford County or Direct Primary System," in Nat. Mun. League *Proceedings*, VII, 197 (1901).

Holcombe, A. N., "Direct Primaries and the Second Ballot," in *Am. Pol. Sci. Rev.*, V, 535 (1911).

Horack, F. E., "Primary Elections in Iowa," in Am. Pol. Sci. Assn. *Proceedings*, VII, 175 (1910).

Howland, H. J., "The Battle of Saratoga," in *Outlook*, XCVI, 305 (1910). On the fight for direct primaries in the New York Republican convention.

Johnson, L. J., "The Preferential Ballot as a Substitute for the Direct Primary," in *Senate Documents*, 3d session, 63d Congress, No. 985 (1915).

Jones, W. C., "Primary Elections in Illinois," in Am. Pol. Sci. Assn. *Proceedings*, VII, 138 (1910).

Lester, C. B., "Primary Legislation and Present Organization in Wisconsin," in Nat. Mun. League *Proceedings*, XII, 329 (1906).

Library of Congress, *List of References on Primary Elections* (1905).

Literary Digest, The, XLII, 445 (1911), "Chicago's First Direct Primary" (1911).

Loeb, Isidor, "Direct Primaries in Missouri," in Am. Pol. Sci. Assn. *Proceedings*, VII, 163 (1910).

Lowrie, S. G., "Second Choice Nomination Laws," in *Am. Pol. Sci. Rev.*, V, 600 (1911).

Ludington, A., "The New York Direct Primary Bill of 1909" (embodying the new features advocated by Governor Hughes), in *Am. Pol. Sci. Rev.*, III, 371 (1909).

—— "The Geran Law in New Jersey," in *Am. Pol. Sci. Rev.*, V, 579 (1911).

Lush, C. K., "Primary Elections and Majority Nominations," in *Am. Pol. Sci. Rev.*, II, 43 (1907–8).

McClure's, XXXVIII, 479 (1912), "What the Direct Primary Did for California."

McLaughlin and Hart, *Cyclopedia of American Government*, III, 51, "Primary, Direct."

Macy, Jesse, "The Influence of Primary Elections upon Party Organization," in Am. Pol. Sci. Assn. *Proceedings*, IV, 175 (1907).

Mearkle, A. L., "The Minnesota Election Law," in *Rev. of Rev.*, XXIV, 465 (1901). On direct primary.

Merriam, C. E., *Primary Elections* (1908). The best general study of the subject.

—— "Some Disputed Points in Primary Elections," in Am. Pol. Sci. Assn. *Proceedings*, IV, 179 (1907).

Meyer, E. C., *Nominating Systems: Direct Primaries versus Conventions in the United States* (1902).

Michigan Political Science Association *Proceedings*, 1905. Series of papers on primaries in Wisconsin, Minnesota, Ohio, Illinois, and New York.

Miller, J. D., "The Failure of the Primary, Direct or Otherwise," in *Forum*, L, 48 (1913).

Millspaugh, A. C., "Operation of the Direct Primary in Michigan," in *Am. Pol. Sci. Rev.*, X, 710 (1916).

Munro, W. B., *Government of American Cities* (1912), ch. 6.

National Municipal Review, IV, 305 (1915), "Chicago's Mayoralty Direct Primary Campaign" (1915).

Nation, The, LXXXVII, 131 (1908), "The Primary No Cure-all."

New International Year Book (1909), article on "Election Reform," on Governor Hughes's campaign in New York for direct primaries.

New York, *Report of the Joint Committee . . . to Investigate Primary and Election Laws . . .* (1901).

Outlook, The, XCI, 91 (1909). "Governor Hughes on Party Nominations."

—— *Ibid.*, 370, "Nominations by Conventions and Direct Nominations."

—— *Ibid.*, 426, "Direct Nominations."

—— *Ibid.*, 654, "The New York Direct Nomination Bill" (1909).

—— XCVII, 525 (1911), "Chicago's Mayoralty Contest."

Review of Reviews, XXXIX, 274 (1909), "Direct Nominations in New York."

—— XLIII, 466 (1911), "The People's Primaries in Chicago."

Schaffner, Margaret A., *Primary Elections: The Test of Party Affiliations*, Wisconsin Legislative Reference Dept., Bulletin No. 13 (1908).

Schaper, W. A., "New Primary and Corrupt Practices Acts in Minnesota" (1912), in *Am. Pol. Sci. Rev.*, VII, 87 (1913).

Senate Reports, 2d session, 62d Congress, vol. A, No. 349, and *Senate Documents*, 2d session, 62d Congress, vols. X–XI, No. 312 (1911–12). Gives the testimony before, and the report of, the Senate Committee on Privileges and Elections concerning the campaign expenditures of Senator Isaac Stephenson, of Wisconsin.

Shaw, W. B., "The Direct Primary on Trial," in *Outlook*, XC, 383 (1908).

Spahr, C. B., "Method of Nomination to Public Office: An Historical Sketch," in Nat. Mun. League *Proceedings*, X, 321 (1904).

—— "Direct Primaries," in Nat. Mun. League *Proceedings*, VII, 184 (1901).

Taylor, C. F. (editor), *Equity*. A quarterly review devoted to the direct primary, preferential voting, the short ballot, and the initiative, referendum, and recall (Philadelphia).

Wilson, W. H., "Primary Elections as an Instrument of Popular Government," in *Case and Comment*, XXIII, 396 (1916).

Woodburn, J. A., *Political Parties and Party Problems* (1914), ch. 21, "Primary Election Reform."

Woodruff, C. R., "Nomination Reform in America," in *Forum*, XLII, 493 (1909). States and answers objections to the direct primary.

Woollen, Evan, "The Direct Primary Experiment," in *Atlantic Monthly*, CX, 41 (1912).

World's Work, XXXIII, 7 (1916). "Recent Experiments with the Primary."

CHAPTER VII

NOMINATION OF REPRESENTATIVES AND SENATORS IN CONGRESS. POPULAR ELECTION OF SENATORS. PRESIDENTIAL ELECTORS

Congressmen, before 1842, nominated by *State* conventions

Of the vast body of Federal office-holders, numbering nearly 400,000, only 533, including President, Vice-President, representatives, and senators, obtain their positions by the process of nomination and election.

Members of the House of Representatives, commonly called congressmen, are apportioned among the various States according to population by an act of Congress passed soon after each decennial census. Prior to 1842 the different States provided for popular election of their congressmen in their own way. In the majority of States they had been elected at one time or another on a general or common ticket by the voters of the State at large, as we now choose Presidential electors. Under this system it usually happened that the party which carried the State got all the congressmen from that State, although the vote might have been very close. The candidates were nominated by the State conventions of the different parties.

In 1842 Congress passed an act which did away with the general ticket method of election and required that henceforth representatives in Congress should be elected by *districts* composed of nearly

After 1842 nominated (1) by *district* conventions

equal population and of contiguous territory. The determination of the boundaries of these districts was left to the various States. This change in the method of electing congressmen led to a change in the method of their nomination. From 1842 until the adoption of the direct primary, congressmen were almost uniformly nominated by delegate conventions in each congressional district, composed of delegates chosen at caucuses or primaries conducted under State laws in the various wards, towns, cities, or assembly districts forming the congressional district. The call for the convention was issued by the congressional district committee, and in the call was stated the number of delegates to which each unit of representation was entitled. The convention was called to order by the chairman of the district committee.

(2) Congressmen at large by State conventions or direct primaries

It sometimes happens that after a new apportionment act has been passed by Congress a State finds that it has received an increase in the number of representatives to which it is entitled. If the legislature fails to redistrict the State before the next congressional election, the additional representatives may be nominated by the State conventions of the different parties or by direct primary, and elected on a general ticket, as was the practice before 1842. Representatives so elected are known as congressmen at large. A State is also permitted to elect all of its congressmen upon a general ticket when its representation in Congress has been reduced and there has not been sufficient time in which to rearrange the districts. The nominations are then made by State conventions or by the direct primary.

(3) Generally by direct primaries

Nomination by district conventions was the prevailing method of nominating congressmen until within a few years. Recently a majority of States have substituted the direct primary election method, so that in 1915, 397 out of the 435 members of the House of Representatives had been nominated in that way. The names of aspirants appearing on the primary election ballot are placed there as the result of filing petitions in the manner provided for local and State offices described in the preceding chapter. Congressmen at large from States where the direct primary election method is in force continue, in some States, to be named by the State conventions; while in others they are nominated by a State-wide direct primary election.

Senators usually nominated by party legislative caucus

The processes of nominating and electing the *United States senators* have, in some particulars, become so interrelated that the two processes will be considered together. Until the ratification of the Seventeenth Amendment, in 1913, the election of senators had been vested by the Constitution in the legislatures of the respective States. The formal nomination of senatorial candidates was made either on the floor of each house of the legislature or before the two houses in joint session, usually but not always before balloting began. Before the time fixed for the commencement of the balloting the members of each party represented in the legislature met in a caucus for the purpose of determining, if possible, which senatorial aspirant the members of the party would unitedly support. The call for this caucus was issued, in some States, by the chairman of the

caucus committee of the two houses; in other States by a few of the most active supporters of some aspirant.

Decision binding on participants

Usually all the members of the party in the legislature attended the caucus. There the names of different aspirants were presented and arguments advanced in behalf of each by their respective supporters. A formal ballot usually followed, and the aspirant receiving the highest number of votes, or a majority of the votes, was declared to be *the caucus nominee* of the party. This result was often not reached until after there had been a bitter and prolonged fight extending to more than one session of the caucus. Friends of the successful aspirant naturally insisted that the result of the caucus was morally binding upon all members of the party in the legislature, and it was generally regarded as morally binding by and upon all those who attended and participated in the caucus. Occasionally, however, the rivalry between different aspirants became so keen and feeling so embittered that the supporters of one or more of the minority aspirants would leave, or "bolt," the caucus; or else they subsequently refused to be bound by its decision. Such conduct was usually made the occasion for depriving the "bolters" of coveted committee assignments and patronage and for bestowing upon them an unlimited amount of abuse and denunciation by the friends of the caucus nominee. When such bolts occurred, the dissatisfied element in the party presented the name of its candidate to the legislature either just before the balloting began or after it had been in progress

for a time without resulting in an election. Their object was to draw sufficient support away from the principal candidates or from the opposing party to bring about the election of their own candidate; or, if that seemed impracticable, at least so to divide the votes of the legislature that no candidate should receive the majority required for an election. It not infrequently happened that the friends of a particular candidate, being in a minority in their party, absented themselves from the party caucus, knowing that they would be regarded as morally bound by its action if they participated. They preferred to take their chances on the floor of the legislature in attracting to their candidate sufficient support from members of the opposite party to insure his election.

In States where one party was overwhelmingly predominant, the party caucus was often omitted altogether, and a sort of free-for-all contest was permitted on the floor of the legislature. In such States even unanimous elections, usually re-elections, were not unknown.

The strength of the following which each senatorial aspirant had in the legislature was pretty accurately known before the legislature assembled. These aspirants usually made their candidacy known before or during the campaign in which members of the legislature were to be nominated and elected, and sought to obtain pledges of support from the legislative candidates. Often these candidates were expected to declare for which senatorial aspirant they intended to vote, if elected. It was almost universally the practice for the members of the majority

party in the legislature to limit their choice to the aspirants who had previously announced themselves and who had been conducting a vigorous campaign in their own interests.

***Objections* to the legislative election of senators**

During the past twenty years there has appeared an increasing amount of dissatisfaction with the constitutional method of choosing senators, accompanied by a growing demand for direct election by the people. This has arisen from certain defects or evils appearing, in some States at rare intervals, in others frequently, in connection with the choice of senators by State Legislatures. The principal objections to the legislative method of election arising from these defects were, in brief, as follows:

(1) It was felt that the election of senators by the legislature diminished their sense of responsibility to the people whom they are supposed to represent; and that instead of becoming more representative of the people, the tendency was for senators to become less truly representative.[1]

(2) It was claimed that the legislative election, instead of being the free choice of a majority of the entire legislature, as was the intention of the framers of the Constitution, was, in perhaps the majority of cases, determined not by the legislature but by the caucus of the dominant party. In this party caucus it not infrequently happened that a bare majority, constituting a minority of the entire legislature, defeated the evident choice of the majority of the people of the State.

(3) Prolonged and stubborn contests, known as

[1] G. H. Haynes, *The Election of United States Senators*, 63.

"deadlocks," during which no candidate obtained the required majority, frequently ended in an adjournment of the legislature without any election. This occurred, for example, in Delaware in 1895, when 217 ballots were taken during the legislative session of 100 days. The result in such cases was to leave the State only partially represented in the Senate until the meeting of the next legislature. Between 1890 and 1900 no less than ten States were represented for varying periods by only one senator, owing to the inability of a majority of the legislature to agree upon one candidate. One effect of a prolonged deadlock was to make public sentiment to some extent impatient and to put the community in position to condone the election of an unfit man. This situation is conducive to "springing" a candidate who had not before appeared. The election of Mr. Lorimer in Illinois in 1909 is a good instance in point.[1]

(4) Senatorial election contests in the legislature often seriously interfered with the transaction of the business of the State and at times even prevented the organization of the legislature. Not infrequently the whole time of the legislature was taken up with a prolonged and fruitless attempt to elect a senator, to the complete neglect of the State business.

(5) Senatorial elections by legislatures produced a serious and objectionable confusion of national and State politics. Instead of dividing naturally upon questions of local interest and importance, the voters

[1] For a summary of the Lorimer case, see *American Year Book, 1911*, p. 62; *ibid, 1912*, p. 66.

in the State would divide artificially over the alleged necessity of electing some man as United States senator who would support this or that national policy. The attention and interest of the citizens were centred upon the affairs of the nation when they should have been devoted to the affairs of the State. The result was that if the legislators were not chosen *solely* to compass the election of a senator, they were elected at least primarily for that purpose and only secondarily to attend to the business of the State. Men of inferior character and abilities frequently constituted the majority in our legislatures because of their senatorial preferences, whereas the ablest and most competent men who could take the best care of the interests of the State were defeated because of *their* senatorial preferences.[1]

(6) The opportunity and temptation which a legislative election of senators afforded for the corrupt use of money or promises of political reward were very great. In close contests where only a few votes were needed to turn the scale, bribery, direct or indirect, was a notorious accompaniment of senatorial elections.[2]

(7) It was felt that the Senate had become "a rich man's club," membership in which was regarded as a fitting climax to a successful business career, regardless of a man's qualifications as a lawmaker or statesman. It was firmly believed by many people that this class of senators, many of whom were either corporation magnates or former corporation attor-

[1] J. A. Woodburn, *The American Republic*, 218.
[2] Haynes, *op. cit.*, 51.

neys, acting as the representatives of powerful special interests, had been instrumental in defeating many reforms desired by the general public.

Ways of securing *indirect* popular election or nomination of senators:

The dissatisfaction engendered by these defects in the legislative method of electing senators, together with the difficulty in obtaining an early amendment to the Constitution, gave rise to a number of ingenious experiments whereby the letter of the Constitution was respected, but popular election, or at least popular nomination, of senators was secured by indirection. The result was that United States senators in increasing numbers were selected indirectly by a vote of the people just prior to the adoption of the Seventeenth Amendment.

(1) By making choice of legislators turn upon their senatorial preferences

(1) One means of indirectly obtaining popular control of senatorial elections was to secure the nomination or indorsement of some one senatorial aspirant by the State convention of each party when meeting to nominate State officers. The candidates thus indorsed often "stumped" the State against the candidate of the opposing party, and the election of members of the legislature turned upon the senatorial question. Under such circumstances the election of senator was virtually determined when the members of the legislature were elected.[1] When, however, there were strong factions within a party, this method of influencing the choice of the legislature did not always yield satisfactory and certain results. Far more effective agencies to secure popular control of

[1] The most important instance of this occurred in 1858, when Lincoln and Douglas were indorsed by the State conventions of their respective parties in Illinois.

senatorial elections had been in force in some States before popular election was sanctioned by constitutional amendment.

(2) By *quasi*-direct primary

(2) The laws of some States either permitted the State executive committees of the different parties to ascertain the senatorial preferences of the party voters by a sort of direct party primary or else *required* these committees to ascertain such preferences whenever petitioned so to do by a majority of the party voters. This method was common in the Southern States.[1]

(3) By "advisory" primary

(3) In other States there were laws permitting the voters of each party or the legislative candidates at direct primary elections to signify upon the ballot their preferences among the party's aspirants for the senatorship; the result, however, was not considered legally or morally binding upon the party members of the legislature, but merely as "advisory."

(4) By genuine direct primary

(4) In Kansas, and in about thirty other States, the senatorial aspirants whose names were to be presented to the legislature were nominated, like State officers, in a direct primary election. It was expected that the one in each party receiving the highest number of votes would be the only candidate presented by the party. Such direct nominations were probably not legally binding upon the members of the legislature, although they were regarded as morally binding; and it was usually politically inexpedient for legislators to go counter to the wishes of their party thus clearly expressed.[2]

(5) Oregon went still further, and had not only

[1] Beard, 242.

[2] *Ibid.*, and *Readings*, 225.

direct primary nomination of senatorial candidates, but in addition had what was virtually a popular *election* of senators. Candidates for the Senate were first nominated by each political party at the direct primary election. Then at the ensuing regular election the voters of the State voted for United States senator from among the persons previously nominated at the primary. The person who received the largest popular vote in the election was declared to be "the people's choice," and the legislature was morally bound to elect this individual. So it came about that in 1908 the Republican legislature, faithfully obeying the mandate of the people, elected Governor Chamberlain, a Democrat, to the United States Senate. When, as in this case, the legislature followed the popular choice indicated by the election returns, we had to all intents and purposes popular election of senators and at the same time a compliance with the letter of the Constitution.[1] The legislative election then amounted to nothing more than a formal ratification of the popular choice; it was stripped of practically all discretion and made nearly, if not quite, as perfunctory as the election of the President by Presidential electors.

(5) By direct primary followed by virtually popular election

Recognizing that the result of the popular vote for a United States senator could not be made legally binding upon the legislature, the framers of the Oregon law of 1904 incorporated an ingenious device designed to prevent the defeat of the popular will in the legislature. A candidate for the legislature in Oregon might include in his petition for a place

[1] Jonathan Bourne, Jr., in *Outlook*, XCVI, 321 (1910).

upon the primary ballot one of the following statements:

STATEMENT NO. 1

"I further state to the people of Oregon, as well as to the people of my legislative district, that during my term of office I will always vote for that candidate for United States senator in Congress who has received the highest number of the people's votes for that position at the general election next preceding the election of a senator in Congress, without regard to my individual preference."

STATEMENT NO. 2

"During my term of office I shall consider the [popular] vote for United States senator in Congress as nothing more than a recommendation which I shall be at liberty to wholly disregard, if the reason for doing so seems to me to be sufficient."

By including, or failing to include, one of these "Statements" in his petition for a place on the primary ballot the position of each legislative aspirant on the senatorial question could be pretty definitely ascertained before the primary and election. The result was that the majority signed "Statement No. 1" and fulfilled its pledge.

The movement to amend the Constitution

In spite of these more or less successful devices for indirectly securing the popular nomination or election of United States senators, there was an increasing popular demand for an amendment to the Constitution specifically abolishing election of senators by

the legislature and substituting therefor election by direct vote of the people.

In the Populist platform of 1892, the demand for this change appeared for the first time in a national campaign. In 1900 the Democratic party included a similar demand in its platform, while in 1908 that party declared this reform to be "the gateway to other national reforms."

Five times, at least, a proposed amendment to the Constitution providing for the popular election of senators passed the House of Representatives only to be defeated in one way or another in the Senate; in 1911 it lacked only four votes of the necessary two-thirds. Such an amendment might have been secured through a convention called by Congress at the request of the legislatures of two-thirds of the States. There are now forty-eight States, and two-thirds would be thirty-two. Since 1900 no less than twenty-eight States passed resolutions calling upon Congress to summon such a convention to frame the necessary constitutional amendment for popular election of senators. Similar action by only four more States would have made it the duty of Congress to call such a convention.[1]

Arguments *favorable* to popular elections

The leading arguments advanced by those in favor of the election of senators by popular vote, briefly stated, were as follows:

(1) Popular election would complete the process which has been in progress for nearly a century

[1] W. K. Tuller, in *No. Am. Rev.*, CXCIII, 370 (1911). An amendment drafted by such a convention would, of course, have had to be ratified by three-fourths of the States before it became operative.

whereby the choice of most of the important State officials has been gradually taken away from the State Legislatures and vested directly in the people by means of popular elections. When the Federal Constitution was adopted there existed a very general distrust of the common people—a distrust shared by the framers of that document. Furthermore, at that time there was a practical advantage in vesting the selection of senators in the legislature, which does not exist to the same degree at the present time. It was difficult for public opinion to form and express itself effectively. Means of travel were exceedingly poor, means of communication were very few and inadequately developed, newspapers were comparatively rare and of very limited circulation. The legislatures furnished the best means then at hand for the articulation of public sentiment. They no longer perform this important function.

(2) It was claimed that popular election would improve the tone of the Senate. In the Senate of the Fifty-eighth Congress, for example, one out of ten members had been put on trial before the courts or subjected to legislative investigation for serious crimes, or for grave derelictions from official duty, and in every case the accused senator either was found guilty or at least failed to purge himself thoroughly of the charges.[1]

(3) It would make the senators directly responsible to the people instead of to a changing body meeting at infrequent intervals, like the State Legislature.

[1] Haynes, *op. cit.*, 165.

(4) Popular choice of senators would remove the growing distrust of the Senate due to the influence of individual and corporate wealth. Under popular elections, it is claimed that few rich men and corporation magnates or attorneys could be chosen. At any rate, a senator would have to be a man who could command public confidence.

(5) Popular election would make for the betterment of the State and local government by tending to divorce national from State and local politics. Members of the legislature could then be chosen on the basis of their fitness for attending to the business of the State, and local questions would be uncomplicated by national issues.

(6) State Legislatures would be left free to devote themselves to the business of the State. Interference with the transaction of that business and the prolonged interruptions, due to the present system of choosing senators, would cease.

(7) Since legislative deadlocks over senatorial elections would no longer occur, every State would enjoy its full representation in the Senate at practically all times.

Defense of legislative election

The opponents of popular election of senators, besides entering a general denial of the validity of most of the arguments just enumerated, advanced the following reasons, briefly stated, in defense of the legislative method of election:

(1) Popular election would fundamentally change the character of our political system.[1]

[1] This claim is ably answered by Professor Burgess in *Pol. Sci. Quar.*, XVII, 650 (1902).

(2) Popular election would essentially alter the character of the Senate as conceived by the wise framers of the Constitution. From being a conservative body with aristocratic leanings, unaffected by waves of popular passion, and serving as a check upon the popular tendencies of the lower house of Congress, the Senate would become essentially democratic, easily moved by popular clamor, and no longer a check upon the House of Representatives.

(3) Where the convention system of making nominations still prevails, popular election of senators would soon degenerate into a virtual transfer of the election from a responsible body, like the State Legislature, to irresponsible bodies like the ordinary delegate convention, the evils of which have already been discussed.

(4) Popular election would give the large cities, where the foreign voters already constitute a most serious political factor, an undue influence in determining the choice of senators, at the expense of the rural communities, and with possibly serious effects upon the character of the senators elected.

(5) New temptations to demagogism and new opportunities for fraud and other corrupt practices in connection with elections would be opened up, especially in close contests. The number of disputed elections would increase along with the difficulty of their satisfactory adjustment. Thus, instead of increasing the confidence of the people in their senators, that confidence would be greatly diminished.

(6) Whatever evils now and then happen under the legislative system did not arise from any fault of the

system itself, but from the fault of the body of citizens themselves, due to their lack of interest and participation in politics, their non-attendance at caucuses or primaries, their neglect to register or to vote, and their slavish fidelity to party organizations and party names. Increase the political interest, activity, and vigilance of the average citizen, and most of the evils connected with the legislative election of senators would disappear.

The Seventeenth Amendment

In May, 1912, in the face of an increasingly strong demand for popular election of Senators, both houses of Congress adopted a proposed amendment to the Constitution to bring about the desired change. The proposed amendment was promptly ratified by the legislatures of three-fourths of the States and was declared in force May 31, 1913, as the Seventeenth Amendment. Thus, after a long period of agitation, the direct election of senators by the people, already established in fact in nearly half the States, became established by law in all.

The Seventeenth Amendment provides that the two senators from each State shall be "elected by the people thereof for six years . . ." and that when vacancies happen in the representation of any State in the Senate, "the executive authority of such State shall issue writs of election to fill such vacancies." At the same time the legislature of each State is authorized to empower the executive to make "temporary appointments until the people fill the vacancies by election as the legislature may direct." Aside from this, the procedure for popular election of senators was complete without the en-

actment of further legislation by the States. The Oregon and similar plans, outlined above, of course at once became obsolete.

Special legislation, however, was necessary in order to bring the nomination of senators within the scope of the direct primary laws in those States which had not previously provided for direct nomination. In the majority of States this necessary legislation has been enacted, so that candidates for the United States Senate are now generally nominated in direct primaries.

Presidential electors State officials though performing a national function

Presidential electors are, strictly speaking, State officers, inasmuch as their nomination and election are subject to State control. They are nominated by political bodies within the States and are paid, when elected, by the States. They are, however, created by the Federal Constitution, and their functions are so related to national politics that the method of their nomination will be briefly outlined in this chapter.

In any State a party desiring to present candidates for President and Vice-President is entitled to nominate as many candidates for Presidential electors as the combined number of senators and representatives in Congress from that State. Furthermore, it is only by presenting to the voters such lists of candidates for Presidential electors that a party comes to be regarded as a national party. It is only by voting for one such list of candidates that the ordinary citizen participates in the election of a President and a Vice-President.

Where the State convention still exists, all of the

candidates for Presidential electors are now nominated at the regular party State conventions held for the nomination of State officers in Presidential election years. In case there are no State officers to be nominated in those years, a special State convention is called for the express purpose of nominating the Presidential electors. In States where all the electoral candidates are nominated in a State convention it is customary to select at least one candidate from each congressional district in the State. In some States the State convention nominates only the candidates for *electors at large*, while each congressional district convention nominates one electoral candidate. Where the direct primary method has supplanted the State convention and the congressional district convention, special State conventions are called in some States to nominate the electors at large, while in others it is left optional with parties to employ either the direct primary or the convention.

Nominated by State conventions or by direct primary

Owing to complications which arose in Pennsylvania in connection with the Presidential campaign of 1912, the legislature of that State passed a law in 1913 changing the method of nominating Presidential electors. In place of nomination by the State convention as formerly, electors are henceforth to be nominated by the Presidential candidates of the different parties; and any vacancies which may arise in the electoral ticket before election are to be filled by the Presidential candidates.

Pennsylvania method

The entire list of candidates for Presidential electors for a State, in whatever way nominated, is called

the "electoral ticket." Vacancies occurring in the electoral ticket before the election are usually filled either by the other nominees or by the State committee of the party concerned. In selecting candidates for the electoral ticket, preference is frequently shown for distinguished members of the party who have never held national office, or who have retired therefrom, and for partisans who are willing to make generous contributions toward meeting the expenses of the campaign.[1]

The only Federal officers whose nominations remain for consideration are the President and Vice-President. The method by which the candidates for these highest offices in the gift of the American people are chosen is unique in modern politics and so important as to deserve a special chapter.

QUESTIONS AND TOPICS

1. What are the qualifications for United States senators and representatives? Who may vote for representatives and senators in Congress under the Federal Constitution and the laws of your State?

2. What different methods have been followed in apportioning representation in Congress among the several States? Would proportional representation be an improvement upon the present method?

3. Federal supervision or interference in congressional elections, 1870–1894. The "Force" bill of 1890 and the way in which it was defeated.

4. What circumstances produced the act of 1842 providing for the election of congressmen by districts? (See Woodburn.)

5. What methods of nominating congressmen prevail in your State? If by direct primary, how may an aspirant get

[1] Dallinger, 88.

his name upon the primary ballot? Who is the congressman from your district? What qualifications does he possess which fit him for the office? What were the circumstances surrounding his nomination?

6. How are contested congressional election cases conducted? (See Rammelkamp.)

7. An account of the debates in the Federal convention of 1787 over the method of choosing senators.

8. What circumstances produced the act of 1866 regulating the election of United States senators?

9. Describe the actual procedure in voting for United States senators in State Legislatures before and after 1866.

10. What reasons have been deemed sufficient on various occasions to bring about the expulsion or rejection of persons elected to the House or the Senate?

11. The case of Senator Lorimer, of Illinois, 1910–1912. (See the *Congressional Record* and Reports of Senate committee on privileges and elections which investigated this case.)

12. The New York senatorial deadlock in 1911.

13. The debate in the United States Senate over the proposed constitutional amendment authorizing popular election of senators, 2d session of the 61st Congress, 1910–1911.

14. Was there any substantial basis for the claim that the popular election of United States senators would change the whole character of our political system? (See Burgess.)

15. Do State Legislatures have the right to instruct their senators and representatives in Congress how to vote on specific subjects?

16. The discussions in the Federal convention of 1787 over methods of choosing the President.

17. The debates in Congress over the Twelfth Amendment to the Constitution.

18. Arguments for and against the abolition of the office of Vice-President.

19. How is the President chosen in Mexico, Brazil, Argentina, France, and Switzerland?

20. What arguments may be advanced for and against the popular election of the President?

21. Summarize the different plans or attempts to change

the method of electing the President. (See Lalor, II, 69, and Stanwood, 358, for references.)

22. The congressional election of President in 1800 and in 1824.

23. The proceedings in regard to the disqualified Presidential electors from North Carolina in 1837. (See the *Register of Debates in Congress*.)

24. Congressional debate over the electoral vote from Wisconsin in 1857.

25. The disputed electoral returns in 1876.

26. How may vacancies in the electoral vote of a State be filled which occur after the date of the election?

27. What is the ordinary procedure of the electoral college in each State; also in Congress relative to the counting of the electoral votes from the different States?

28. What are the arguments for, and the objections to, the choosing of Presidential electors by districts? (See Dougherty, Phelps.)

29. At what time does a newly elected Congress ordinarily assemble? Should this time be brought forward, nearer the date of election? (See Shafroth.)

30. Compare the political influence enjoyed by representatives and senators. (See Beard, Wilson.)

31. The emergence of party lines in the electoral college, 1789–1800.

32. Is it the duty of Presidential electors to record the will of the people of their States in voting for Presidential candidates, or to record the will of the national convention nominating those candidates, when there is a conflict between the two?

33. Complications in Pennsylvania and other States in 1912 in connection with the nomination of Republican and "Progressive" Presidential electors. (See *American Year Book, 1912*.)

34. The case of the Kansas Republican and "Progressive" Presidential electors in 1912 and the decisions of the Federal courts.

35. The Idaho Presidential electoral case of 1912 and the contempt proceedings growing out of it.

36. West Virginia's senatorial bribery scandal (1913).

37. Senate debate on limiting the President's term, Janu-

ary, 1913. (See *Congressional Record*, 3d session, 62d Congress.)

38. The Illinois and New Hampshire senatorial deadlocks in 1913.

39. To what extent has popular election of United States senators in practice justified the arguments of the advocates and opponents of popular election?

BIBLIOGRAPHY

American Year Book, 1911, pp. 62–64; *ibid, 1912*, pp. 66–67. On the Lorimer case.

Ashley, R. L., *The American Federal State* (1902), chs. 11–12.

Beard, C. A., *American Government and Politics*, and *Readings*, ch. 12.

Bishop, G. R., "The Mode of Electing United States Senators," in *Forum*, XLII, 142 (1909).

Bourne, Jonathan, Jr., "Popular Government in Oregon," in *Outlook*, XCVI, 321 (1910).

—— "Popular *versus* Delegated Government." Speech in the United States Senate, 5 May, 1910.

Burgess, J. W., "The Election of United States Senators by Popular Vote," in *Pol. Sci. Quar.*, XVII, 650 (1902).

Carlisle, J. G., "Dangerous Defects of Our Electoral System: A Remedy," in *Forum*, XXIV, 257, 651 (1898).

Carter, T. H., "A New Dangerous Proposition," in *Independent*, LXX, 291 (1911).

Commons, J. R., *Proportional Representation* (1907).

Congressional Record, 2d session, 61st Congress. Debates in Senate on popular election of senators.

Connolly, C. P., "The Story of Montana," in *McClure's*, XXVII, 451, 629; XXVIII, 27, 198 (1906–1907). On the election of Senator W. A. Clark.

Dallinger, F. W., *Nominations for Elective Offices in the United States* (1897).

Doolittle, J. R., "The Electoral System," in *Pol. Sci. Quar.*, XIX, 369 (1904).

Dougherty, J. H., *The Electoral System of the United States* (1906).

Edmunds, G. F., "Should Senators Be Elected by the People?" in *Forum*, XVIII, 270 (1894).

Fanning, C. E., *Selected Articles on the Election of United States Senators* (1912).

Fulton, C. W., "The People as Legislators in Oregon," in *No. Am. Rev.*, CLXXXV, 70 (1907).

Garner, J. W., "The Presidency of the French Republic," in *No. Am. Rev.*, CXCVII, 335 (1913).

Garrison, W. P., "The Reform of the Senate," in *Atlantic Monthly*, LXVIII, 227 (1891).

Hart, A. B., *Actual Government as Applied under American Conditions* (1902).

Haskins, F. J., "The Honorable, the Electors," in *Everybody's*, XXVIII, 215 (1913).

Haworth, P. L., *The Hayes-Tilden Disputed Presidential Election of 1876* (1906).

Haynes, G. H., *The Election of United States Senators* (1906).

—— "Popular Election of United States Senators," in Johns Hopkins University *Studies*, XI, 547 (1893).

—— "Popular Control of Senatorial Elections," in *Pol. Sci. Quar.*, XX, 577 (1905).

Hendrick, B. J., "Statement No. 1," in *McClure's*, XXXVII, 505 (1911). On the Oregon system of electing senators.

Hoar, G. F., "Has the Senate Degenerated?" in *Forum*, XXXII, 129 (1897).

Holcomb, J. W., "The Electoral College: Its Prerogatives and Possibilities," in *Forum*, XLVIII, 526 (1912).

Kennan, George, "Holding-Up a State," in *Outlook*, LXXIII, 277, 386, 429 (1905). On the Addicks senatorial contest in Delaware.

Learned, H. B., "Some Aspects of the Vice-Presidency," in *Am. Pol. Sci. Rev.* (Supplement), VII, 162 (1913).

Library of Congress, *List of References on the Popular Election of Senators* (1904).

—— *Additional References on the Popular Election of Senators* (1911).

Literary Digest, XLV, 134 (1912), "Lorimer Out."

—— XLVI, 327 (1913), "Six Year Presidents."

—— *Ibid.*, 441, "West Virginia's Bribery Scandal" (1913).

—— LIII, 731 (1916), "The Johnson Victory" (in the Republican senatorial primary in California in 1916).

McLaughlin and Hart, *Cyclopedia of American Government*, II, 8, "Presidential Elections."

Miller, C. R., "Has the Senate Degenerated?" in *Forum*, XXIII, 129 (1897). A reply to Senator Hoar.
Mulkey, F. W., "Electing United States Senators," in *Independent*, LXIII, 847 (1907).
O'Neal, Emmet, "Elections of United States Senators by the People," in *No. Am. Rev.*, CLXXXVIII, 700 (1906).
Outlook, The, XCVII, 389 (1911), "How We Elect Senators." On the New York deadlock of 1911.
—— XCVII, 13 (1911), "The Lorimer Case."
—— CI, 656 (1912), "The Duty of Presidential Electors."
—— CI, 663, "Presidential Electors."
—— CIII, 151 (1913), "The Idaho Case."
Phelps, E. J., "The Choice of Presidential Electors," in *Forum*, XII, 702 (1891–1892).
Phillips, D. G., "The Treason of the Senate," in *Cosmopolitan*, XL, 487, 628; XLI, 3, 627; XLII, 77 (1906–1907).
Rammelkamp, C. H., "Contested Congressional Election Cases, in the United States," in *Pol. Sci. Quar.*, XX, 421 (1905).
Raymond, C. S., "The Lorimer Scandal," in *American Magazine*, LXX, 570 (1910).
Russell, C. E., "What Are You Going to Do About It?" in *Cosmopolitan*, XLIX, 592; L, 45 (1910). On senatorial elections in Illinois and Colorado.
Shafroth, J. F., "When Congress Should Convene," in *No. Am. Rev.*, CLXIV, 374 (1897).
Shaw, Albert, "The Electors and the Coming Election," in *Rev. of Rev.*, XXIII, 66 (1901). On the functions of the electors.
Taft, G. S., *Compilation of Senate Election Cases* (1913).
Townshend, R. D., "How We Elect a President," in *Outlook*, XC, 299 (1900).
Tuller, W. K., "A Convention to Amend the Constitution," in *No. Am. Rev.*, CXCIII, 369 (1911).
Wakeling, Arthur, "The Kansas Electoral Case" (1912), in *Green Bag*, XXIV, 517 (1912).
Williams, Edgar, "The Man Who Swept California," in *Outlook*, CXIV, 639 (1916). On nomination of Governor Johnson for Senator.
Woodburn, J. A., *The American Republic*, chs. 3–5.

CHAPTER VIII

NOMINATION OF PRESIDENT AND VICE-PRESIDENT. THE NATIONAL CONVENTION. THE PRESIDENTIAL PREFERENCE PRIMARY

The present custom of nominating candidates for President and Vice-President by a national convention supposed to represent the party voters throughout the nation was introduced by the Anti-Masonic party in 1831, and followed the same year by the National Republicans, the forerunners of the Whigs. Besides nominating candidates, the national convention has two other important purposes: to draft "a formal declaration of the principles, views, and practical proposals of the party," which is known as the platform; and the appointment of a national committee to serve for four years.

Preliminaries **to the national convention. The call**

The call for a national convention of the two great parties, and of minor parties which have been in the field for some time, is issued by the national committee. In the case of a new party, the call for a national convention may be issued by the leaders at a preliminary convention or it may be merely signed by them and published broadcast through the newspapers. In January or December preceding a Presidential election, the national committees of the two great parties meet in Washington and decide upon the time and place of holding the convention; and having determined that important question, the

committee issues the formal call, signed by its chairman and secretary.

The call for the Democratic convention is much briefer than that for the Republican convention, merely stating the time and place of holding the convention, the number of delegates to which each State and Territory is entitled, and inviting those in sympathy with the principles and aims of the party to participate in the choice of delegates. Prior to 1912 nothing was said relative to the manner of choosing delegates, that being left for each State and Territory to determine.[1]

The call for the Republican convention, besides covering the points included in the Democratic call, goes on to prescribe in general terms the process by which the delegates are to be chosen in the States and Territories, the period within which they must be chosen and their credentials forwarded to the secretary of the national committee; and it also outlines the procedure in cases of contesting delegations. A copy of the call of each party is sent to the State committee in the several States and published in the newspapers of the country. The time selected for the meeting of the convention is usually in the month of June or early in July. The place chosen is usually a large city with adequate railway, hotel, and auditorium accommodations.[2]

[1] See *Official Proceedings* of the Democratic and Republican conventions.

[2] The preliminary arrangements for the convention are intrusted to an executive committee of the national committee. This committee elects a sergeant-at-arms for the convention, and to him is intrusted the duty of superintending the printing of admission

Apportionment of delegates

Before 1852 the number of delegates from each State in a national convention was usually equal to the number of its senators and representatives in Congress. From 1852 to 1872 the Democratic convention consisted of twice the congressional delegation, but each delegate had only half a vote. Since 1872 the number has remained the same, but each delegate has had a whole vote. This was also the rule in the Republican convention from 1860 to 1912, inclusive.[1] Each Territory and dependency and the District of Columbia are also given representation in the national conventions. In the Democratic convention of 1916 six votes were allotted to Hawaii, Alaska, Porto Rico, the District of Columbia, and the Philippines, making in all 1094. In the Republican convention of 1916 there were two delegates from Hawaii, Alaska, the District of Columbia, Porto Rico, and the Philippines, making in all 985.[2] A number of alternates from each State, Territory, and dependency equal to the number of delegates is also elected to serve in the absence of the delegates. They are given seats on the main floor of the convention directly back of the delegates.

In most political conventions, representation from the various political units is based upon the size of the party vote in those units: the larger the party vote, the larger the delegation. The absence of

tickets, the organization of a force to act as assistants, ushers, and pages, to seat the people, and to assist in maintaining order during the sessions of the convention. Woodburn, *Political Parties*, 273.

[1] Occasionally a State will send twice the number of delegates to which it is entitled, in which case each delegate has only half a vote.

[2] Porto Rico sent no delegates.

such an apportionment has long been a defect in the Republican and Democratic national conventions, where delegates have been apportioned among the States on practically a population basis and without the slightest regard to the size of the party vote. This has been an especially weak spot in the constitution of the Republican national convention, for the rule permits flagrant overrepresentation from some of the Southern States and from the Territories and dependencies, which never help to elect a single Republican Presidential elector but which at times, notably in 1912, have exerted a decisive influence in the choice of the Presidential nominee.[1] Efforts to remedy this situation by the substitution of a new rule giving States representation in proportion to voting strength were made at several different times before 1908, but without success. At the Republican convention held that year the proposed change, after thorough debate, came within thirty-five votes of adoption. Had it been adopted it might have gone far toward preventing the disruption of the party four years later.

Overrepresentation of Southern States

One result of the schism of 1912 was to convince the Republican leaders that some change must be made in the basis of representation before the election of delegates to the convention of 1916. Consequently a special meeting of the Republican national committee was held in Washington in December,

Change in Republican apportionment

[1] Thus, in the Republican national convention of 1912 fifteen States, including Arizona and New Mexico, in which there was no probability of a single Republican elector being chosen, were entitled to two hundred and fifty delegates. Francis W. Dickey, in *Am. Pol. Sci. Rev.*, IX, 473 (1915).

1913, which, after lengthy debate, adopted a compromise plan of apportionment whereby the equal representation of the States in the choice of delegates at large was retained, but some recognition was also granted to the varying strength of the party vote in the choice of district delegates. Thus the plan which the national committee finally recommended provided (1) for four delegates at large from each State, (2) one delegate at large for each representative at large, (3) one delegate from each congressional district, (4) an additional delegate from each congressional district in which the Republican vote for President in 1908 or for Republican congressmen in 1914 was not less than 7,500, and (5), two delegates each from the District of Columbia, the Philippines, Porto Rico, and Hawaii, to be without vote unless granted it by the action of the convention itself.[1]

Having no authority to bind the party to these changes, the national committee referred the proposal to the State conventions of the several States and announced that the new rule would go into effect when approved by the conventions of States entitled to cast a majority of the votes in the electoral college. Such approval was in due time recorded, and the new rule thus became the basis upon which delegates were chosen to the convention of 1916. The result was a convention in 1916 consisting of 985 delegates, or 93 less than in 1912. The loss fell chiefly upon the Southern States, as was intended, although one or two of the Northern States also had their representation slightly reduced.

[1] These delegates were given a vote in the convention proceedings.

"The promulgation of the calls of the national convention, like the pressing of an electric button, starts up the whole gigantic machinery of party organization, communicating the motions from the top down, from wheel to wheel and cog to cog, until it reaches the individual elector of each party, who, in theory at least, decides the destinies of candidates as well as of the nation." [1]

Old method of choosing delegates: by conventions

Delegates to the Democratic and Republican national conventions, prior to 1912, were almost universally chosen under the convention system in the several States; since 1912, however, the choice of delegates by some form of the direct primary method has been rapidly displacing the convention system. We shall first outline the old method and then the distinguishing features of the newer method, commonly called the "Presidential primary."

Upon receipt of the copy of the call from the national committee, the State committee proceeded to call a State convention for the purpose of choosing the four delegates at large (or six, if the State had a representative at large[2]). At the same time the State committee notified the different congressional district committees of the State. These in their turn proceeded to call congressional district conventions to choose the delegates and alternates from the district. If in any congressional district there was no district committee, the State committee of the party either called the district convention or

[1] Victor Rosewater, in *Rev. of Rev.*, XXXVII, 331 (1908).

[2] The same State conventions may also nominate candidates for State offices.

appointed a committee from that district to issue the call. The territorial delegates were elected by conventions acting under the supervision of committees appointed by the national committee.

The foregoing was the method used in all parts of the country for the selection of delegates by the Republican party. With the Democratic party, however, the method under the convention system varied in some States. In New York, for example, and several other States Democratic State conventions chose the entire delegation to the national convention. That is to say, the entire State convention elected the delegates at large, while the delegates in the State convention from the respective congressional districts caucused by themselves and nominated to the convention the delegates from their district. These nominations were then usually ratified by the State convention.[1]

From what has been said above it will easily be seen that whether or not the national convention is a body truly representative of the party membership at large depends upon the activity of the party members in their local primaries where the delegates are chosen for the district and State conventions. A clique of politicians in the several districts and States might manipulate the district and State conventions and thus seriously impair the representative character of the national convention.

"Instruction" of delegates

The conventions which chose the delegates to the national convention frequently directed or "instructed" their delegates to support a certain can-

[1] Dallinger, 77.

didate for the Presidential nomination and also to support or oppose certain important policies likely to be mentioned in the party platform. In the case of the Republican party, the instructions voted by a State convention applied only to the delegates at large chosen by that convention and not to the delegates chosen by the district conventions. The latter were subject only to the instructions given by the convention of their own district. In the case of the Democratic party, on the other hand, the instructions of the State convention were intended to bind the entire State delegation.[1]

How binding instructions are

Regarding the binding force of these instructions, it may be said that a delegate would generally feel that it was expedient to vote according to the resolutions of the State or district convention appointing him, but he was under no legal compulsion so to do. Repeatedly in the Republican national convention delegates disregarded instructions and were sustained by the convention in their right to do so. Nevertheless, such instructions were usually observed. After the delegates had been chosen and instructed, something might come to light concerning the proposed nominee or some policy which might make a violation of instructions desirable, if not necessary; but the delegates were expected to show good reasons for disregarding instructions. Inability satisfactorily to justify themselves before their constituents sometimes resulted in their becoming political outcasts.[2]

The newer method of choosing delegates to the national convention by some form of direct primary

[1] Victor Rosewater, *op. cit.*

[2] Woodburn, 288.

The new method: the Presidential primary

election is popularly known as the "Presidential primary." This first appeared in the pre-convention campaign of 1912, when a number of States, either under State laws or party rules, elected their delegations in whole or in part in direct primaries. By 1916 the system had been adopted by law in one form or another by twenty-one States, comprising more than half the population of the country.

The Democratic national convention of 1912, in its platform, formally established the direct primary, conducted either under State law or party rules, as the legal method of selecting delegates to the national convention in 1916. The Republican convention of 1912, on the other hand, refused to seat certain delegations chosen under State direct primary laws, on the ground that those laws were in conflict with the long-established rules of the convention which required election of delegations by State and district conventions. This insistence that party rules took precedence over State laws roused such bitter opposition that the national committee felt constrained at its special meeting in December, 1913, to formulate a modification of the rules, which was afterward adopted, recognizing as valid the credentials of delegates chosen in direct primaries where such primaries were established by State law. Thus it came about that probably all the delegates to the Democratic national convention of 1916 and a large majority of the delegates to the Republican convention of the same year were chosen by this newer method.

The Presidential primary appears in varying forms in the several States which have adopted it. In

Varying forms of Presidential primary

some only the district delegates are elected by direct primary, the delegates at large being chosen by the State convention; in other States, all the delegates are chosen by direct primary, the district delegates in district primaries and the delegates at large in State-wide primaries. A few States, notably California, elect all the delegates on a general ticket in a State-wide primary.

Preferential feature

Direct primaries for the choice of delegates to the national convention may, and generally do, afford some means whereby the voters may indicate their preferences as to who shall be the Presidential nominee of the party.[1] Where such provision is made the primary is more appropriately called the "Presidential preference primary." Such expressions of preference may be made either *directly* or *indirectly*. Where the *indirect* preference primary exists, candidates for election as delegates are permitted to state on the primary ballot their preference for the Presidential nomination, or they may state that they have no preference, or make no statement whatever upon the matter. By voting for delegates whose preferences are made known in some such way, the voter indirectly indicates his own Presidential preference. Preferences may be expressed *directly* in States where a place on the primary ballot is provided for the voter to indicate his preference, the names of the aspirants for the Presidential nomination being either printed upon the primary ballot or written in by the voter. It is not uncommon, also, to find primary

[1] In about a dozen States provision is also made for a preferential vote for the Vice-Presidential nominee.

laws which provide for both the direct and the indirect method of indicating Presidential preferences on the same ballot.

Generally the preferential vote feature is found combined with the direct primary method of choosing delegates, but there are a few States which, although providing for a Presidential preference vote, still retain the old convention method of choosing delegates. In Maryland, for example, under the law of 1912, provision was made for a Presidential preference vote at primaries, but the selection of delegates was placed in the hands of the State convention, which is supposed to be guided in its selections by the result of the Presidential preference vote.

Effect of a preferential vote

The question as to the effect which a popular expression of preference in a Presidential primary shall or should have upon the delegates in the national convention is variously answered by the State laws, but nowhere with entire satisfaction. In Oregon and Montana, where a State-wide preferential vote and choice of delegates exists, the delegates are bound by oath to vote for the candidate who leads in the preferential vote. In Iowa, on the other hand, the preferential vote is to be regarded simply as an expression of the sentiment, not of the will, of the people, and the law makes no special provision for pledging delegates either to support particular candidates or to heed the people's "sentiment." Other laws require the delegates to carry out the preferences of the party as expressed at the primary to the best of their ability; and this seems to be the intent of most Presidential preference laws, no special precautions being

taken to prevent delegates from proving unfaithful to their trust.[1]

Defects in the preferential system

Serious complications have arisen when the results of a State-wide preferential vote are at variance with the result of district delegate elections. Is the district delegate to be guided in the convention by the result in his district or by the result of the State-wide vote? In the Iowa law an effort has been made to have the people themselves answer this question. Upon the primary ballot the voter is requested to answer yes or no to the following questions: "Shall the district delegates to the national convention be instructed by the vote of the State at large?" and "Shall the district delegates to the national convention be instructed by the vote of the congressional districts?" A further defect in the Presidential preference primary is found in the fact that in no State does the law satisfactorily indicate how long the delegates in the convention must vote for the preferred candidate of their district or State; nor whether the delegates are bound merely to vote for the preferred candidate when the time for balloting arrives or are expected to vote upon all incidental questions in such a way as to advance that candidate's interests.

Anticipation of direct nomination of Presidential candidates

Because the Presidential preference primary seemed to afford a means of giving the rank and file of the party a greater degree of control over the actions of their delegates in the national conventions and seemed calculated to make the results attained in those conventions more accurately reflect the popular

[1] *American Year Book, 1913*, p. 73; see also *Am. Pol. Sci. Rev.*, X, 116–120.

choice, it was in 1912 greeted with enthusiasm by many, for it seemed likely to result in the abolition of the national nominating convention, then giving indications of having outlived its usefulness, and the substitution of direct popular nomination of candidates for the Presidency; and also as leading eventually to an amendment to the Constitution providing for direct popular election of President and Vice-President. Thus, President Wilson, in his first annual message to Congress, in December, 1913, said:

President Wilson's recommendation, 1913

". . . I feel confident that I do not misinterpret the wishes or the expectations of the country when I urge the prompt enactment of legislation which will provide for primary elections throughout the country at which the voters of the several parties may choose their nominees for the Presidency without the intervention of nominating conventions." He then went on to favor the retention of the national convention, but with its composition entirely changed and its function greatly restricted: ". . . This legislation should provide for the retention of party conventions, but only for the purpose of declaring and accepting the verdict of the primaries and formulating the platforms of the parties: and I suggest that these conventions should consist not of delegates chosen for this single purpose, but of the nominees for Congress, the nominees for vacant seats in the Senate of the United States, the senators whose terms have not yet closed, the national committees, and the candidates for the Presidency themselves, in order that platforms may be framed by those responsible to the people for carrying them into effect."

Following this message, a number of bills were introduced into Congress in 1914 providing for a national Presidential preference primary, for the regulation of the national convention by Federal law, and even for the *abolition* of the national convention; but no action was taken either by Congress or by the Democratic leaders in control of Congress for carrying out the President's recommendations.[1]

The Presidential primary a disappointment

At the present time (1917) public interest in the Presidential preference primary is unfortunately at a very low ebb, because, on the whole, its operation has proved distinctly disappointing, partly on account of the great diversity in the State primary laws, the difficulties arising in interpreting and enforcing the preferential vote, outlined above; and especially on account of the altogether unsatisfactory way in which the Presidential primary was employed or disregarded in the pre-convention campaigns of 1912 and 1916.

Interest in pre-convention activities

Whatever the method by which the delegates are chosen, the pre-convention contest is frequently attended with great popular interest and excitement. Early in the convention year the friends of the leading Presidential aspirants proceed to organize in each State and endeavor in every way to get as many delegates as possible pledged or instructed to support their respective favorites at the national convention. The newspapers publish the comparative standing of the various aspirants, giving the returns from each State and district as they come in, revising their estimates from day to day until all the dele-

[1] See *American Year Book, 1913*, pp. 72–74.

gates have been chosen. As a rule, it is impossible, even after all the delegates have been elected, to tell who will be the actual nominee of the convention. Exceptions to this rule are the nomination of Grant in 1868, Cleveland in 1884, McKinley in 1896 and 1900, Roosevelt in 1904, Taft in 1908, and Wilson in 1916; in all of these cases the nomination was practically settled before the convention met.

During the convention "each State delegation has its chairman and is expected to keep together. It usually travels together to the place of meeting; takes rooms in the same hotel; has a recognized headquarters there; sits in a particular place allotted to it in the convention hall; holds meetings of its members during the progress of the convention to decide on the course which it shall from time to time take. These meetings, if the State is a large one, excite great interest, and the sharp-eared reporter prowls around them, eager to learn how the votes will go." [1]

Delegates usually active politicians

Those who are chosen to serve as delegates to a national convention are usually active party men, politicians in their respective districts who give a good deal of time and attention to politics. They are frequently able and astute managers, frequently, though not always, office-seekers. They are men whose services to the party entitle them to some distinction and recognition. The delegates at large are usually men of State or national reputation, the party leaders of the State, the United States senators, or men whose renown or power as speakers and managers will give the delegation weight and influence in

[1] Bryce, II, 180.

the convention. For example, in the Republican convention of 1900 both the temporary and permanent chairmen were senators; the four nomination speeches were made by senators; and there were seven senators on the important committee on resolutions which drafted the platform.[1]

Scene of the convention

The sessions of the convention are held in a mammoth auditorium decorated with flags, bunting, pictures of candidates and dead statesmen of the party. A large amount of space is necessarily given over to the representatives of the press from all parts of the country. The delegates are seated on the main floor, with the alternates seated directly back of them. The place assigned to each State or Territorial delegation is indicated by standards bearing the name of the State or Territory. In the galleries thousands of spectators eagerly watch the proceedings of every session. Not content with being mere passive observers of the drama before them, they often engage in prolonged cheering for various candidates, which seriously interferes with the transaction of the business of the convention. A European is astonished to see a thousand or more men prepare to transact the two most difficult pieces of business an assembly can undertake—the solemn consideration of their princi-

[1] It is customary for delegates to pay their own expenses incurred while in attendance at a national convention. Minnesota, it is believed, is the only State in which the public nature of the work of members of national conventions has been recognized by providing by law that delegates shall be paid for attendance. Oregon passed a law in 1910 for the payment of the expenses of delegates to the national convention, not to exceed two hundred dollars in any case; but this law was repealed in 1915. See *American Year Book, 1913*, p. 74.

ples and the selection of the person they wish to place at the head of the nation—in the sight and hearing of twelve thousand or more other men and women.[1]

Political managers sometimes seek to "pack" the galleries with the friends of their aspirant for the nomination in order to insure a systematic and prolonged demonstration for that candidate, much after the manner of cheering sections at a great intercollegiate football contest. Formerly it was believed that such demonstrations from the galleries had some influence upon the decision of the convention. But it is very doubtful whether in recent years such demonstrations have produced any effect upon the final result. The experienced politicians in the convention, and they are in the majority, understand that this enthusiasm is more or less factitious and manufactured for the occasion, and they discount it accordingly.

Those who direct or vote in a convention are animated by four sets of motives acting with different degrees of force on different persons. There is the wish for a particular aspirant to win. There is the wish to defeat a particular aspirant, a wish sometimes stronger than any predilection. There is the desire to get something for one's self out of the struggle, for example, by trading one's vote or influence for the prospect of a Federal office. There is the wish to find the man who, be he good or bad, friend or foe, will give the party the best chance of victory. "These motives cross one another, get mixed, vary in relative strength from hour to hour, as the convention goes

[1] Bryce, II, 194; see also Ostrogorski, II, pt. 5, ch. 3.

on, and new possibilities are disclosed. To forecast their joint effect on the minds of particular persons and sections of a party needs wide knowledge and eminent acuteness. To play upon them is a matter of the finest skill." [1]

Convention proceedings

(1) *Opening Session.* The national convention remains in session for a period varying between three days and an entire week. Usually about four days answer for the transaction of all business. At the appointed hour the convention is called to order by the chairman of the national committee. The secretary reads the official call of the convention, and then prayer is offered by some clergyman, this function being assigned each day of the convention to clerical representatives of different denominations.

Selection of temporary chairman

The national chairman then names the person who has previously been selected by the national committee to serve as temporary chairman, and also announces those persons who have been selected to serve as temporary general secretary, chief assistant sergeant-at-arms, and other minor officers. Although it is in order to make other nominations from the floor for these positions, ordinarily those named by the national committee as temporary officers are accepted by the convention without objection. There are occasions, however, when, as in 1912, factional feeling runs so high that rival factions nominate opposing candidates for temporary chairman as a means of testing the comparative voting strength of the factions. The temporary chairman having been selected, a committee is appointed to escort him to the

[1] Bryce, II, 190.

chair, and he is presented to the convention by the national chairman, who now retires from the scene. The temporary chairman then delivers a speech of some length, prepared before the convention met, in which he assails the record of the opposite party, eulogizes his own party, pleads for harmony, and endeavors to arouse enthusiasm among the assembled delegates.

Appointment of committees

It is then in order for some one to move for a roll-call of the States to name members of the four great committees of the convention: the committee on credentials, on permanent organization, on rules and order of business, and on platform and resolutions. This motion being carried, the secretary of the convention calls the roll of States in alphabetical order. As each State delegation is reached, its chairman rises and announces the members who have been selected by the delegates to represent that State on the respective committees, each State being entitled to one representative. It is coming to be the more common practice for the chairman of each delegation to furnish the secretary of the convention with a list of members chosen by the delegation for the different committees. With the naming of these committees the first session usually ends.

Committee reports

(2) *Reports of committees.* The second, and sometimes the third, session of the convention is usually devoted to receiving and considering the reports of committees. The committee on rules and order of business usually recommends the adoption of the rules of the preceding national convention and of the national House of Representatives so far as they are

applicable. The committee further recommends the following order of business: report of the committee on credentials, report of the committee on permanent organization, report of the committee on platform and resolutions, the nomination of candidates for President, the nomination of candidates for Vice-President, miscellaneous motions and resolutions.[1]

The credentials committee and contesting delegations

The convention cannot proceed to the transaction of its most important business until it is finally determined who are entitled to participate in the work of the convention. The determination of this important matter is the task of the *committee on credentials*. It often happens that two delegations from a State or congressional district appear at the convention, each claiming that it is the duly elected delegation and therefore alone entitled to represent the State or district in the convention. Whenever such "contests" arise, the party rules require the contestants to file with the secretary of the national committee all papers or evidence bearing upon the dispute a specified number of days before the meeting of the convention. After the national committee has passed upon these contested cases it makes up the temporary roll of the convention. As soon as the convention has organized, the national secretary turns the evidence over to the chairman of the committee on credentials, and this committee forthwith proceeds, with varying degrees of thoroughness and impartiality, to conduct an investigation of its own respecting the claims of the

[1] This order was slightly changed in the Democratic Convention of 1912 by placing the nomination of candidates before the adoption of the platform.

rival delegations. At times these disputes or contests are so numerous that the business of the convention is delayed several days, as in the Republican convention of 1912, although the committee may be in almost continuous session, day and night. It sometimes happens, as in 1912, that the fate of rival aspirants for the Presidential nomination and of important planks in the platform depends upon the decision of these contests. Hence the hearings before both the national committee and the committee on credentials often become the occasion of great strife and bitterness. When the committee on credentials has finished its labors, it reports to the convention a list of those delegates who are entitled to sit in the convention and take part in its business. Ordinarily this report is accepted by the convention. Occasions have arisen, however, where a minority of the committee has presented a dissenting "minority report," opposing the seating of certain delegates, and the convention, usually after an exciting debate, has substituted this for the majority report. Compromises are sometimes attempted by seating both contesting delegations but giving each delegate only half a vote.

Permanent chairman

The committee on permanent organization nominates a permanent chairman and a list of other permanent officers. These nominations are usually accepted by the convention without objection, although a contest may be precipitated, as in the case of the selection of the temporary chairman. When the report of the committee on credentials is delayed, the permanent organization may be effected before the membership of the convention is finally determined. The per-

manent chairman, after being escorted to the chair by a committee, makes a lengthy speech in which he endeavors to outline the issues of the ensuing campaign or to "sound a key-note" for the convention.

The platform

While the foregoing matters have been occupying the attention of the convention the *committee on platform and resolutions* has been at work putting into final form the series of declarations which have been drafted by some party leader before the convention met and which, if adopted by the convention, are to constitute the party's platform for the next four years. The circumstances surrounding the drafting of the platform and the weight that is to be attached to it have already been explained.[1] The convention exercises its right either to accept the report of the committee without change or to introduce very important modifications.

Nominating procedure

(3) Having completed its organization, determined its membership, and adopted its platform, the convention is ready to take up the business of supreme interest and importance, the selection of its candidate for President. The secretary of the convention calls the roll of States, beginning with Alabama, and as each State is called the delegates from that State have the right to place a candidate in nomination. In case a State which is reached in the early part of the roll-call has no candidate to propose, it has the privilege of yielding its place to a State farther down the list, like Ohio, in order to give some member of the Ohio delegation an opportunity to place in nomination a candidate from that State. The average number of

[1] See chapter II.

nominations in a convention is seven or eight, and it rarely exceeds twelve. These nominations are accompanied by most elaborate speeches, characterized by extravagant eulogy of the claims and merits of the candidate named. The enthusiasm evoked by some examples of convention oratory has taken the form of wild demonstrations lasting over an hour and wholly interrupting the proceedings of the convention.[1]

After the nominating and seconding speeches are concluded, the convention settles down to the balloting. The roll of the States is again called by the secretary, and as each delegation is named its chairman rises and announces how the delegates from that State vote. His announcement may be challenged by a delegate, and thereupon the secretary proceeds to "poll" the delegation—that is, to call the roll of members from that State, each member announcing his vote as his name is called. In order to win the nomination, a candidate in the Democratic convention must receive the votes of two-thirds of the delegates, while in the Republican convention a bare majority is sufficient to nominate.

"Two-thirds rule" and "unit" rule

This "two-thirds rule" of the Democratic convention is closely bound up with another peculiar feature of that party's national convention, namely, the "unit" rule. According to the unit rule, if the majority of a State delegation so decides, or if the State convention so directs, the entire vote of the State in the national convention is cast as a unit. Thus, in the delegation from New York, consisting of 90 members,

[1] See Ostrogorski, II, pt. 5, ch. 2.

there may be 46 in favor of one candidate and 44 in favor of another. By the unit rule, the 46 are able to cast the entire 90 votes of the State in favor of their candidate. The unit rule does not obtain in the Republican convention except in so far as it may, in effect, have been established by the Presidential preference primary. There each delegate hitherto has had the right to vote as he chose and to have his vote so recorded, being held responsible only to his constituents at home. The Republican convention recognizes no other political body superior to itself, and therefore will not recognize the binding force of instructions issued by the conventions which chose the delegates. The unit rule reflects the early State-rights antecedents of the Democratic party by recognizing the right of a "sovereign" State, as represented in its delegation in the national convention or in its State convention, to determine how the entire vote of that State shall be cast. As long as the unit rule prevails, the two-thirds rule is also likely to remain in force, for there is a close connection between the two rules. "If the two-thirds rule be abrogated while the unit rule prevails, a few of the large States, though their delegations may be nearly equally divided, may, by enforcing the unit rule, secure a majority of the convention for a candidate whom only a minority of the delegates really favor. The two-thirds rule lessens the probability of this." [1]

New conditions created by the spread of the Pres-

[1] Woodburn, 278–280. The two-thirds rule was first adopted by the Democratic convention of 1832. It was used in 1836 but not in 1840. It was revived in 1844 and has since been in constant use. *Ibid.* See Dallinger, 40–43.

Unit rule modified, 1912.

idential primary and particularly the complications resulting therefrom in Ohio led the Democratic national convention in 1912 to adopt a modification of the unit rule. That rule is still to be recognized and enforced when enacted by a State convention, except in States which require by law the nomination and election of delegates in congressional districts and have not subjected delegates so chosen to the authority of the State committee or the State convention.[1]

Sometimes it happens, as in the Republican conventions of 1904 and 1908, that one candidate receives a sufficient number of votes to be nominated on the first ballot; but usually more than one ballot is necessary. In 1852 Franklin Pierce was nominated on the forty-ninth and General Scott on the fifty-third ballot; in 1880 Garfield was nominated on the thirty-sixth ballot; and in 1912 Woodrow Wilson was nominated on the forty-sixth ballot. Such prolonged contests, however, are about as rare as the cases in which nominations are made on the first ballot.

Factors affecting the "availability" of candidates

Among the important factors in determining the selection of a candidate by the national convention the following have been noted: A candidate is desired who is likely to gain the most support and at the same time excite the least opposition within and without the party. His ability is taken into account, also the length of time he has been before the public, his oratorical gifts, his personal magnetism, his family and business connections, his face and figure, his morality and business integrity, his political record,

[1] Democratic National Convention, 1912, *Official Report*, 59–76.

the personal jealousies or hatreds which he has excited, and, finally, the State in which he lives. Other things being about equal, a candidate coming from a large and doubtful State is preferred to one coming from a State whose electoral vote is small or from a State which can always be relied upon to give the party a majority.[1]

Whenever a candidate finally receives a number of votes sufficient to nominate, it is customary for a prominent supporter of the next highest aspirant to move to make the nomination unanimous. This done, the convention is worn out if the contest has been long and exciting, and usually takes a recess until the next day. In the meantime the managers of the aspirants for the nomination for Vice-President are busily at work in the interests of their favorites.

Naming the Vice-Presidential candidate

Upon reconvening the following day, the convention proceeds to the nomination of its candidate for the Vice-Presidency. The method used is precisely the same as that used in nominating the Presidential candidate. It seldom happens that there is a prolonged contest over the Vice-Presidency. The business is despatched as hastily as possible. It is usually considered good policy to award the nomination to a prominent representative of a faction which has been defeated in the race for the Presidential nomination, as happened in the case of General Arthur in 1880. Especially is this likely to happen if such a man can be found in an important or doubtful State. When we consider that the Vice-President may be called upon to perform the duties of President, it

[1] Bryce, II, 187.

would seem that far too little consideration is given to the choice of a fit and capable man for this position of great potential importance.

Committees on notification

With the naming of the candidate for Vice-President, it only remains for the convention to authorize the appointment of a committee consisting of one from each State, formally to notify the Presidential candidate of his nomination and a similar committee to notify the Vice-Presidential candidate. The business of the convention then being at an end, it adjourns *sine die*. These committees on notification subsequently visit the nominee at his home or meet him at some appointed place. The chairman, or some other previously selected member, makes a formal speech notifying the candidate of the action of the convention. Thereupon the candidate delivers his "speech of acceptance." Frequently this is followed a few weeks later by a lengthy "letter of acceptance." In comparison with the platform adopted by the convention, these speeches and letters, as we have already seen,[1] have come to be regarded as of equal or even greater significance.

Defects of the national convention

Within the last few years the national convention system has been almost as vigorously assailed and severely criticised as the convention system for local and State nominations; for many, if not all, of the evils which have characterized the convention system generally have commonly—one may almost say regularly—appeared in connection with the national convention. The following may be noted as constituting the principal defects of the national convention.

[1] See chapter II.

(1) The presence of ten thousand or more spectators plus a thousand delegates and an equal number of alternates constitute an assembly in which real deliberation and debate are impossible. Control and leadership inevitably gravitate into the hands of a small coterie who meet and deliberate in secret.

(2) The basis upon which representation in the convention is allotted to the several States—upon population rather than voting strength—is deemed by many to be a most serious defect. In the case of the Republican party, as stated above, this has developed into nothing less than a scandal, which, however, has in part been eliminated by the changes taking effect in 1916.

(3) The local politicians in control of the State and local party machinery are constantly seeking to secure the election of delegates to the convention who can be relied upon to execute their orders or plans, in the popular slang, delegates who "will stand without hitching." To some slight extent, perhaps, the introduction of the direct primary method of choosing delegates has mitigated this evil.

(4) The presence of Federal office-holders, often in large numbers, has not infrequently given the administration an undue influence in determining nominations.

Power of the national committee

(5) Too much power has been vested in an unrepresentative national committee in making up the temporary roll of the convention. For the delegates who are seated temporarily are the ones who determine the personnel of the committees and especially the strategically important committee on credentials.

This defect stood out most glaringly in the Republican convention of 1912, when on the committee on credentials were found "members whose seats were contested, representatives of delegations whose seats were contested, and even members of the national committee who had assisted in the preliminary decision of contests. The acceptance or rejection of the report of the committee on credentials depends upon the votes of delegates whose names are on the temporary roll. Thus the unedifying spectacle was unfolded of delegates passing upon their own credentials —assisting by their votes to seat themselves." [1] The key to the control of the national convention is therefore to be sought in the control of the national committee, a body which until recently was a hold-over body from the preceding convention. The choice of national committeemen by direct primary, ordered by the Democratic national convention in 1912 and established by law in some States, is likely to make that committee more truly representative of party sentiment.

(6) The irresponsibility of the national convention as a body is also an objectionable feature. The absence of any Federal statute regulating either the organization or the procedure of a national convention has made it possible for convention rules to override State laws prescribing the way in which delegates shall be elected. A convention may admit or reject any delegation it pleases, the laws of any State to the contrary notwithstanding. In a close contest the exercise of such a power may be fraught with the

[1] F. W. Dickey, in *Am. Pol. Sci. Rev.*, IX, 170–172 (1915)

most serious consequences to the country and should therefore be subject to legal control.

Altogether the national convention as a method for naming candidates for the principal office in the country is anything but satisfactory. The direct primary, including the preferential vote feature, is in such an imperfect stage of development as to afford slight improvement in the unfortunate conditions now surrounding the convention. The following vigorous indictment of the national convention hardly overstates the feeling of those who have closely scrutinized convention activities in the recent past from a detached point of view:

"A national convention represents more wasted energy, more futile, bootless endeavor, more useless expenditure of noise, money, and talent, than any other institution on earth. It has grown into a cumbersome, frightfully expensive, terribly laborious machine which spends months getting under way and once under way devotes nine-tenths of its time of operation to buncombe and claptrap which deceives no one, not even the men who create this buncombe and this claptrap. At last, when the shouters have grown weary and the lesser booms, being punctured, have lost the only thing they ever contained—which is wind—the real leaders go ahead and do the thing they might have done earlier, except for the belief among them that the fetish of tradition must be coddled, and the convention, obeying an ancient precedent, must be permitted to drag out a foregone conclusion, which twice out of three times was a foregone one from the start. . . ." [1]

[1] Irvin S. Cobb, in the Chicago *American*, June 10, 1916.

Bad as the national convention system undoubtedly is, one has to admit that no satisfactory substitute has yet appeared upon the political horizon. The most noteworthy attempt to mitigate these evils has been the adoption of the Presidential primary, including the preferential feature, described above.

QUESTIONS AND TOPICS

1. The rise and decline of the congressional caucus and other methods of nominating the President and Vice-President before 1832.

2. The debate in Congress in 1824–5 over the congressional caucus. (See *Congressional Debates.*)

3. A series of reports on Presidential campaigns, beginning with 1860, including convention proceedings.

4. What do the following terms mean: "favorite son," "favorites," "dark horses," "break," "stampede," applied to national nominating conventions? Give illustrations from the Democratic and Republican conventions since 1860.

5. Specimens of early and recent convention oratory.

6. "Why Great Men Are Not Chosen Presidents." (See Bryce, I, ch. 8.)

7. Make a chronological list of the cities where national conventions have been held.

8. What is the basis of representation in the national conventions of the Prohibitionist, Populist, and Socialist parties?

9. The origin of the "unit" rule in the Democratic convention and the attempt to introduce it into the Republican convention of 1880.

10. The contest over the temporary chairmanship of the Republican conventions in 1884 and 1912 and in the Democratic conventions of 1896 and 1912.

11. The expulsion of members from the Democratic national committee in 1896.

12. The proceedings before the Democratic national committee in 1908 relative to the place of holding the convention of that year.

13. The debate in the Republican convention of 1908 over

the proposed change in the apportionment of delegates among the States.

14. The contests over the seating of delegates in the Democratic convention of 1908.

15. The contests over the seating of delegates in the Republican convention of 1912.

16. The different ways in which delegates are influenced and manipulated by the managers at a national convention.

17. Is it true, and, if so, in what sense, that the national conventions dictate the selection of Presidential electors and congressional legislation? (See Morgan.)

18. How do State primary election laws regulate the selection of delegates to the national convention?

19. Arguments for and against the choice of delegates to the national convention by direct primary method, and the nomination of President and Vice-President by the same method.

20. The anti-third term sentiment, applied to the Presidency: its origin, subsequent history, and arguments for and against.

21. Arguments for and against one term of six years for the President and his ineligibility for a second term.

22. The Democratic and Republican national conventions of 1860.

23. The fight in the Republican national convention of 1912 over the temporary roll.

24. The rulings of Senator Root as temporary and as permanent chairman of the Republican convention of 1912.

25. In case of a conflict between State laws regulating the election of delegates to a national convention and the rules of the convention itself, which should prevail? For example, the case of the California delegation to the Republican convention in 1912.

26. During his term as President, did Mr. Taft follow or abandon the so-called Roosevelt policies? (See Garfield, McVeagh.)

27. What were John C. Calhoun's objections to the national convention system in 1844? (See McMaster's *History of the People of the United States*, VII.)

28. What is to be said for and against the payment of

delegates to the national conventions as tried in Oregon recently and in Minnesota?

29. Proposals and plans for the reorganization of the Republican party, 1913–16.

30. The debate before the Republican national committee, December, 1913, over changing the basis of apportionment of delegates.

31. The debate in the Democratic national convention of 1912 over the effect of the Presidential preference primary votes upon the unit rule.

32. Why were the delegates from the Philippines denied seats in the Democratic national convention of 1912?

33. Summarize the different Presidential primary bills before Congress in 1914 and bills for regulating the national convention. (See *American Year Book, 1914.*)

34. What are the principal legal and practical obstacles to the enactment by Congress of a Presidential preference primary law? (See Dickey, *American Year Book, 1913.*)

35. Should Congress endeavor to secure the enactment by the several States of a uniform Presidential primary law? If so, what should be the main features of such a law? (See Dickey.)

36. The operation of the Presidential preference primary in 1912 and 1916 in Oregon. (See Barnett.)

37. The operation of the South Dakota Presidential preference primary law in 1912, especially in connection with the choice of delegates to the Democratic national convention. The modifications of the law in 1915. (See Dickey.)

38. Trace step by step the negotiations between the Republican and the Progressive national conventions of 1916.

39. Can any practicable plan be devised whereby the electoral college can be substituted for the national conventions in nominating Presidential candidates? (See Holcombe.)

BIBLIOGRAPHY

Abbott, E. H., "The Progressive Convention" (1912), in *Outlook*, CI, 857 (1912).

—— "The Progressives at Chicago," in *Outlook*, CXIII, 423 (1916).

Abbott, L. F., "The Roosevelt Campaign: A Review," in *Outlook*, CI, 331 (1912). Pre-convention campaign, 1912.

—— "The Chicago Convention and the Birth of a New Party," in *Outlook*, CI, 470 (1912).

—— "The Game at Baltimore," in *Outlook*, CI, 522 (1912). Democratic convention, 1912.

American Year Book, *1912*, pp. 1–40, "Parties, Politics and the Presidential Campaign"; pp. 61–63, "Presidential Preference Primary."

—— *1913*, pp. 62–64, "Republican National Committee"; pp. 72–74, "Presidential Preference Primary."

—— *1914*, pp. 68–71, "National Presidential Primary."

American Political Science Review, X, 116 (1916), "Presidential Primaries."

Aylsworth, L. E., "Presidential Primary Election Legislation of 1910–1912," in *Am. Pol. Sci. Rev.*, VI, 429 (1912).

Barnett, J. D., "The Presidential Primary in Oregon," in *Pol. Sci. Quar.*, XXXI, 81 (1916).

Beard, C. A., *American Government and Politics*, and *Readings*, ch. 9.

Becker, Carl, "The Unit Rule in National Nominating Conventions," in *Am. Hist. Rev.*, V, 81 (1899–1900).

Beeler, Dale, "The Election of 1852 in Indiana," in *Indiana Magazine of History*, XI, 301 (1915), XII, 34 (1916).

Beveridge, A. J., "The Fifth Wheel in Our Government," in *Century*, LXXIX, 208 (1909). On the Vice-President.

Bigelow, Poultney, "What I Saw at Kansas City," in *Contemporary Review*, LXXVIII, 442 (1900). On the Democratic convention of 1900.

Bishop, J. B., *Our Political Drama* (1904). On national conventions and Presidential campaigns.

—— *Presidential Nominations and Elections* (1916).

Black, J. S., "The Electoral Conspiracy," in *No. Am. Rev.*, CXXV, 1 (1877).

—— "The Third Term: Reasons Against It," in *No. Am. Rev.*, CXXX, 197 (1880).

Blythe, S. G., "In Convention Assembled," in *Saturday Evening Post*, CLXXXIV, 24 (1912).

Bourne, Jonathan, Jr., "Federal Patronage," in *Congressional Record*, February 27, 1911. Favors Presidential primaries.

Boutwell, G. S., "General Grant and a Third Term," in *No. Am. Rev.*, CXXX, 356 (1880).

Bryan, W. J., *A Tale of Two Conventions* (1913). On the Republican and Democratic national conventions of 1912.

Bryce, James, *The American Commonwealth*, II, chs. 69–70 (4th edition).

Congressional Record for July 24 and 31, 1912. For debate on Republican convention of 1912.

Dallinger, F. W., *Nominations for Elective Offices in the United States* (1897), ch. 4.

Davenport, F. M., "The Failure of the Presidential Primary," in *Outlook*, CXII, 807 (1916).

—— "Preliminary Impressions of the Chicago Convention" (Republican, 1916), in *Outlook*, XIII, 354 (1916).

—— "Passing the Crisis in the Republican Party," in *Outlook*, CXIII, 418 (1916). On Republican convention of 1916.

—— "Making the Issue Clear," in *Outlook*, CXIII, 460 (1916). On Democratic convention of 1916.

Davis, R. H., "The Two Conventions at Chicago" (1912), in *Scribner's*, LII, 259 (1912).

Democratic National Convention, *Official Report of the Proceedings*, published quadrennially.

Dennis, A. P., "The Anomaly of Our National Conventions," in *Pol. Sci. Quar.*, XX, 185 (1905). Points out defects in the national convention system.

Dickey, F. W., "The Presidential Preference Primary," in *Am. Pol. Sci. Rev.*, IX, 467 (1915).

Dudley, T. H., "The Inside Facts of Lincoln's Nomination," in *Century*, XL, 477 (1890).

Dunn, A. W., "Campaigning for the Presidential Nomination," in *Rev. of Rev.*, XLV, 427 (1912).

Fite, E. D., *The Presidential Campaign of 1860* (1911).

Fowler, J. A., "The Reorganization of the Republican Party," in *No. Am. Rev.*, XCVIII, 289 (1913).

Garfield, J. R., "How President Taft Pledged Himself to Follow the Roosevelt Policies and Failed," in *Outlook*, CI, 116 (1912).

Halford, E. W., "General Harrison's Attitude toward the Presidency," in *Century*, LXXXIV, 305 (1912).

Halstead, Murat, "Our National Political Conventions," "The Convention at Minneapolis" (Republican, 1892), and "The Chicago Convention" (Democratic, 1892), in *Cosmopolitan*, XIII, 194, 507, 585 (1892).

—— *Caucuses of 1860: A History of the National Political Conventions of the Current Presidential Year* (1860). By an eye-witness. The best description of these epoch-marking conventions.

—— "Tragedy of Garfield's Administration," in *McClure's*, 269 (1895–6).

Harger, C. M., "The Democratic Convention" (1908) and "The Republican Convention" (1908), in *Independent*, LXV, 19, 181 (1908).

—— "The Two National Conventions" (1912), in *Independent*, LXXII, 6 (1912).

Harper's Weekly, files of, for Presidential election years, contain numerous articles and illustrations relating to national conventions since 1860.

Hart, A. B., "Two for His Heels: A Study in Convention Ethics," in *Outlook*, CI, 822 (1912).

Harvey, C. M., "The Chance Drama of Conventions," in *World's Work*, XXIV, 234 (1912).

Harvey, George, "The Unwritten Law and the 'Great Emergency,'" in *No. Am. Rev.*, CXCV, 433 (1912). Against the third term.

—— "The National Conventions" (of 1916), in *No. Am. Rev.*, CCIV, 1 (1916).

Hill, A. S., "The Chicago Convention" (Republican, 1868), in *No. Am. Rev.*, 167 (1868).

Hoar, G. F., *Autobiography*, I, 388 ff. On the Republican convention of 1880.

Holcomb, J. W., "A Presidential Preference Vote and the Electoral College," in *Forum*, XLVIII, 681 (1912).

Howe, T. O., "The Third Term," in *No. Am. Rev.*, CXXX, 116 (1880).

Howland, H. J., "The Republican Convention," in *Outlook*, LXXXIX, 417 (1908).

—— "One Convention and Another," in *Outlook*, CI, 476 (1912). Contrasting Republican conventions of 1908 and 1912.

Howland, H. J., "The Conventions at Chicago" (in 1916), in *Independent*, LXXXVI, 475 (1916).

Hoxie, R. F., "The Convention of the Socialist Party" (1908), in *Jour. Pol. Econ.*, XVI, 442 (1908).

Johnston, A., "Nominating Conventions," in Lalor, II, 1039.

—— "Congressional Caucus," in Lalor, I, 355.

Julian, G. W., "The First Republican Convention" (1856), in *Am. Hist. Rev.*, IV, 313 (1898–9).

Laprade, W. T., "Nominating Primary," in *No. Am. Rev.*, CC, 235 (1914).

Leupp, F. E., "The Dark Horse Convention," in *Outlook*, CI, 297 (1912). Democratic convention of 1896.

Literary Digest, XLIV, 579 (1912), "The Hunt for Delegates." On Presidential primaries in 1912.

—— *Ibid.*, 1086, "The One-Term Movement."

—— XLV, 87 (1912), "The Third-Party Call."

McClure, A. K., *Our Presidents and How We Make Them* (1903).

McLaughlin and Hart, *Cyclopedia of American Government*, II, 550, "Nomination of the President."

McMaster, J. B., "The Third Term Tradition," in *Forum*, XX, 257 (1895–6).

—— *With the Fathers*, pp. 57–70, "The Third Term Tradition."

McVeagh, F., "How President Taft Has Followed the Roosevelt Policies," in *Outlook*, CI, 110 (1912).

Michigan State Library, Legislative Reference Department, *Laws of the Various States Relating to Presidential Primaries.* (Pamphlet, February, 1912.)

Moffett, S. E., "Mr. Bryan's Convention" (1908), in *Rev. of Rev.*, XXXVIII, 178 (1908).

Morgan, J. T., "Party Conventions," in *No. Am. Rev.*, CLV, 237 (1892).

Morrison, S. E., "The First National Nominating Convention, 1808," in *Am. Hist. Rev.*, XVII, 744 (1912).

Morton, O. P., *Report . . . on the Mode of Electing President and Vice-President*, in *Senate Reports*, 1st session, 43d Congress, II, No. 395. Outlines a scheme for popular election.

Murdock, J. S., "The First National Nominating Convention" (1812), in *Am. Hist. Rev.*, I, 680 (1895–6).

Nation, The, XCIV, 556 (1912), "Defects of the Presidential Primary," of 1912.

—— XCV, 4 (1912), "Remodelling Conventions." On defects of the national convention.

North American Review, CXIV, 147 (1872), "The Butler Canvass," in Massachusetts in 1872.

—— CXV, 401 (1872), "The Political Campaign of 1872."

—— CXXIII, 426 (1876), "The Independents in the Canvass." On campaign of 1876.

Orr, Lyndon, "Famous Speeches at National Conventions," in *Munsey's*, April, 1908.

Ostrogorski, M., "Rise and Fall of the Nominating Caucus," in *Am. Hist. Rev.*, V, 253 (1899–1900). On the congressional caucus.

—— *Democracy and the Organization of Political Parties*, II. (See index.)

—— *Democracy and the Party System.* (See index.)

Outlook, The, LXXXIX, 582, 595, 645 (1908), "The Democratic National Convention at Denver" and "The Candidates and Platforms" (1908).

—— C, 164 (1912), "The Presidential Primary: A Poll of the Press."

—— *Ibid.*, 387, "The Presidential Primary."

—— *Ibid.*, 615, "The Third Term."

—— CI, 56, 102 (1912), "Presidential Primaries."

—— *Ibid.*, 287, "The Campaign as a School of the People."

—— *Ibid.*, 463, "A New Party."

—— *Ibid.*, 517, "The Baltimore Convention" (1912).

—— *Ibid.*, 528, "The Republican Convention" (1912).

—— *Ibid.*, 805, "The Defense of the Republican Convention" (1912).

—— *Ibid.*, 912, "The Progressive Convention" (1912).

—— CV, 783, 792 (1913), "Presidential Primaries." On President Wilson's message.

—— *Ibid.*, 875 (1913), "The Republican Party." On proposed reorganization.

Platt, T. C., "Reminiscences of Senator Platt," in *McClure's*, XXXV, 115 (1910). On Roosevelt's nominations.

Potts, C. S., "The Unit Rule and the Two-Thirds Rule," in *Rev. of Rev.*, XLV, 705 (1912).

Potts, C. S., "The Convention System and the Presidential Primary," in *Rev. of Rev.*, XLV, 561 (1912).

Ray, P. O., *The Convention That Nominated Lincoln.* (Pamphlet, 1916.)

Republican National Convention, *Official Report of the Proceedings*, published quadrennially since 1856.

Review of Reviews, XLV, 699 (1912), "Roosevelt and the Third Term."

—— XLVI, 191 (1912), "The Nominating Conventions of 1912."

—— LIV, 1 (1916), "Presidential Candidates Nominated."

Rhodes, J. F., "The National Republican Conventions of 1880 and 1884," in *Scribner's*, L, 297 (1911).

Rice, W. G., "Cleveland's First Election," in *Century*, LXXXIV, 299 (1912).

Rice, W. G., and Stetson, F. L., "Was New York's Vote Stolen?" (in 1884), in *No. Am. Rev.*, CXCIX, 79 (1914).

Rinehart, M. R., "Conventions a Farce," in Philadelphia *Public Ledger*, June 18, 1916. On conventions of 1916.

Roosevelt, Theodore, "A Naked Issue of Right and Wrong," in *Outlook*, CI, 327 (1912).

—— "The Orchestra Hall Speech" (Chicago, 1912), in *Outlook*, CI, 479 (1912).

—— "Mr. Taft's Majority: An Analysis," in *Outlook*, CI, 520 (1912). On Mr. Taft's renomination in 1912.

—— "Two Phases of the Chicago Convention," in *Outlook*, CI, 620 (1912).

Rosewater, Victor, "Nominating a President," in *Rev. of Rev.*, XXXVII, 331 (1908).

—— "President Choosing: Old Ways and New," in *Rev. of Rev.*, XLIII, 333 (1911).

—— "Republican Convention Reapportionment," in *Pol. Sci. Quar.*, XXVIII, 610 (1913).

Stanwood, Edward, *A History of the Presidency* (1906).

—— *A History of the Presidency from 1897 to 1909* (1912).

Stoddard, W. O., "The Story of a Nomination" (Lincoln, 1864), in *No. Am. Rev.*, CXXXVIII, 263 (1884).

Stoughton, E. W., "The 'Electoral Conspiracy' Bubble Exploded," in *No. Am. Rev.*, CXXV, 193 (1877).

Thompson, C. S., *Rise and Fall of the Congressional Caucus* (1902).

Tweedy, John, *A History of Republican National Conventions from 1856 to 1908* (1910).

Vale, Charles, "Is the Third Term Negligible?" in *Forum*, XLVII, 441 (1912).

Watterson, Henry, "The Humor and Tragedy of the Greeley Campaign, 1872," in *Century*, LXXXV, 27 (1912).

—— "The Hayes-Tilden Controversy for the Presidency," in *Century*, LXXXVI, 3 (1913).

White, A. D., "The Presidential Convention—A Blot on American Democracy," in *McClure's*, XXXIX, 719 (1912).

Woodburn, J. A., *Political Parties and Party Problems* (1914), chs. 11–13.

Woods, G. B., "The New York Convention" (Democratic, 1868), in *No. Am. Rev.*, CVII, 445 (1868).

World's Work, The, XXIII, 260 (1912), "Presidential Primaries."

—— XXIV, 257 (1912), "Shall a Third Term Be Forbidden?"

—— XXIV, 365 (1912), "The Conventions as Great Shows."

PART THREE

CAMPAIGNS AND ELECTIONS

CHAPTER IX

PARTY MACHINERY. NATIONAL, STATE, AND LOCAL COMMITTEES. ORGANIZATIONS OF WOMEN VOTERS

Nominating process the strategic point in our political system

The preceding chapters have indicated the most important methods by which political parties present to the voters their candidates for various local, State, and national offices. Although the nominating process is but a preliminary, an incident in the realization of the ultimate aim of a political party, the control of the government, it is in reality the strategic position in our whole political system. This the machine politicians fully realize. But the average citizen and also the political reformer too often neglect these all-important preliminaries to a political contest. They seem to forget that the character of the elected officials really depends upon the character of the nominations, and that in many States and cities a nomination by one party is equivalent to election.

Between the completion of the nominations and the day of election each political party engages in a contest, or "campaign," to enlist the majority of voters in support of its candidates. In the prosecution of campaigns each party relies upon a more or

Party machinery of Presidential campaigns typical of State and local campaigns

less elaborate organization, resorts to a great variety of methods to enlist public interest and support, and is compelled to raise and expend large sums of money. Party organizations or machinery and the conduct of campaigns are most clearly seen in a year in which a Presidential election occurs, for in such years the campaign is prosecuted with the greatest vigor in every State, county, city, and rural district, and with maximum efficiency. The work done in State and local campaigns in other years does not differ essentially from that done in the Presidential campaign. The difference is chiefly one of degree and not of kind. State and local campaigns are usually less expensive, less exciting, less spectacular, and involve less elaborate organization. The description of campaign work which follows will, therefore, be based upon conditions existing in a Presidential election year. A Presidential campaign is carried on simultaneously with the campaign for the election of representatives in Congress, and very often for the election of governor or other important State officers, of members of the State Legislature, and of local officers as well.

Thorough organization of prime importance

The public has a very exaggerated idea of the part which conspiracy, cunning, and corruption play in the conduct of a campaign. A certain amount of shrewdness is called for in efforts to outmanœuvre the opposing party, and corruption is present in all too great a measure in probably every warmly contested campaign. But it is the work of organization that, after all, is the essential thing in most campaigns. "This implies no phenomenal capacity for devising

expedients of more or less doubtful morality, but rather a knowledge of men in all parts of the country and a capacity to do big things in a big way." [1] In most recent national campaigns the two great parties have had such a thorough organization that those in charge of the campaign have been able to keep in direct touch and communication with any city ward or rural district of the remotest town in the Union.

The organization or machinery through which the great national parties carry on their campaigns to win elections takes the form of a great network of committees extending over the entire country and ramifying into every community no matter how obscure.

The national committee

(1) First in importance among these committees is the *national committee* of each party, consisting, in the case of the Democratic and Republican parties, of one member from each State and Territory.

The national committee first appeared in the Democratic party in 1848, and was originally designed only as a temporary agency of party activity. But since the close of the Civil War the importance and influence of the national committee has steadily increased, until now it is an important political force from year to year and not merely through a Presidential campaign. In theory the national committee represents the whole party constituency of the country. Its members are usually keen observers of the trend of political sentiment in their respective States and often find themselves in a position to smooth over dissensions within the party and thus to promote

[1] W. J. Abbott, in *Rev. of Rev.*, XXII, 556 (1900).

harmony. They are selected for their known or assumed interest in party affairs. "They are in a position to render many services to the President, the cabinet, and the members of Congress; more especially in promoting mutual understanding and sympathy between these high officers and the rank and file of the party in the States. They may also actively assist both in discovering and determining the will of the party and of the country." [1]

New method of choosing national committeemen

Until 1912 the national committees of the two great parties were named at the national convention to serve for the four years ensuing, each State being represented by one member chosen by the delegation from that State in the national convention. The Republican national committee in that year proved so misrepresentative of the real sentiment of the party that the Democratic convention of the same year, taking a lesson from Republican misfortunes, enacted that in the future Democratic national committeemen should be chosen by direct primary election conducted either under party rules or State laws. The Republican party has not yet reformed the method of naming national committeemen, except where it has been obliged so to do by State laws which provide for popular election of national committeemen, as, for example, in Pennsylvania.[2]

Auxiliary committees

(2) For the more efficient performance of the vast amount of work incidental to a Presidential campaign, the national committees call into existence a number of subordinate auxiliary committees and sub-

[1] Jesse Macy, *Party Organization and Machinery*, 69.
[2] See Democratic platform, 1912.

committees. Thus in the campaign of 1916 the Democratic and Republican organizations had, under slightly varying names, (*a*) a campaign committee, consisting mainly of the heads of other committees and bureaus, a sort of "general staff" or "board of strategy"; (*b*) an advisory or associate committee, made up principally of leaders of the Progressive party of 1912; (*c*) a finance committee, whose members were charged with the duty of raising campaign funds and turning them over to the treasurer and his staff for disbursement; (*d*) a publicity committee or bureau to look after the preparation and distribution of campaign literature and news items for the press; (*e*) a speakers' bureau; (*f*) a campaign club committee, to promote the formation of clubs and leagues among young men, first voters, college men, railroad employees, and business men; (*g*) a woman's bureau, to look after the organization of women voters, a new feature due to the increased numerical importance of women voters; (*h*) the organization bureau, to keep in constant touch with various State, county, and municipal organizations and correlate their work with that of the national committee; (*i*) various other bureaus to enlist special classes of voters, such as the labor bureau, the foreign voters' bureau, the educational bureau, and the farmers' bureau.[1]

At the head of the national committee is the *national chairman*, who may or may not be a member of the committee. He is so important a functionary in the conduct of the campaign as to call for

[1] See T. H. Price and Richard Spillane, in *World's Work*, XXXII, 663 (1916).

special consideration. Nominally he is chosen by the national committee, but in reality he is selected by the Presidential candidate. He is the campaign manager, "the captain of the forces, the commander-in-chief, the head master of the machine." The position calls for a political manager of the first rank, energetic, forceful, skilful, and astute. He must be a master of details, and at the same time capable of taking a correct view of the general situation and endowed with an unlimited capacity for hard work. He must possess the confidence of party leaders and have an almost intuitive grasp of the popular feeling. He must keep in touch with every fibre of the organization, holding frequent conferences with State chairmen in the most important and doubtful States. He must be capable of arousing in them a degree of enthusiasm which shall radiate to all the county and local committees. Such conferences enable him to know where the weak spots are and why they are weak and what can best be done to strengthen them. A national chairman will ordinarily classify the States in three divisions: doubtful, with chances favoring his candidate; doubtful, with chances favoring the opposing candidate; and those States absolutely certain either for the Republicans or Democrats. The chairman gives the last class scant attention, concentrating his efforts in the main upon the first two classes.[1] Perhaps the severest test to which the national chairman is subjected lies in determining which States may be considered safe without extra effort, which States need the concentration of party energy, and in meet-

The national chairman a skilful politician and an efficient executive

[1] W. J. Abbott, *op. cit.*

ing unexpected issues or developments as they arise. He must ascertain just where money may be advantageously spent in hiring men and vehicles to make sure of getting voters to the polls. It may happen, as it has happened, that a State conceded to the other party can be won by properly directed efforts along this line; that a close State is carried by a party on account of the greater perfection of its machinery for getting out the vote. Among other qualities essential to a successful national chairman the following may be noted: cool-headedness, tact, patience, resourcefulness, and decision. He must be conciliatory, secretive yet approachable, keen in his choice of helpers, able to command the services of the most effective workers in the party, and capable of making them work in unison and without overlapping.

The early functions of the national chairman were very modest in comparison with his present functions and influence.[1] Until recently most people could not have told who was the national chairman of their party. The office was regarded only "as a passing instrumentality of the party in a Presidential campaign." With the campaign of 1884 the national chairman suddenly came into great prominence and has since remained one of the most potent party officials. This was partly due to the party revolution of that year in the election of Mr. Cleveland, and to the personality of the Democratic national chairman, Senator A. P. Gorman, of Maryland.

In his capacity as chief manager of a national cam-

[1] The description in the text is largely a condensation of an article by Rollo Ogden, in *Atlantic Monthly*, LXXXIX, 76 (1902).

paign, the national chairman has the control of vast sums of money forming the party campaign fund. He collects much of this money and issues orders for its disbursement. With many of the collections goes an express or tacit party obligation of which he alone is fully cognizant and which it is his peculiar duty to see carried out. "Money is power in politics as everywhere else. A chairman who may determine how much is to be allotted to this State, that congressional district, this city, and the other county becomes inevitably the master of many political legions. There is no need of a hard-and-fast understanding between giver and recipient—least of all, any corrupt bargain. Common gratitude and the expectation of similar favors to come are enough to bind fast the nominee for Congress, the candidate for a senatorship, or the member of the national committee for any given State, a large part of whose campaign expenses has been kindly paid for him from headquarters."

Importance of national chairman due to control of campaign funds and Federal patronage

Furthermore, it cannot be doubted that a successful Presidential candidate owes his election in no small measure to the efforts and efficiency of the national chairman. Naturally, therefore, Presidents have felt moved by gratitude and party considerations often to place an enormous amount of patronage in the form of appointments at the disposal of the chairman, who uses it to reward campaign services and to fulfil campaign promises. Notable instances of great political influence thus exercised by successful national chairmen are the cases of Senator Gorman of the Democratic party during Cleveland's

administrations, and Senator Hanna of the Republican party under McKinley. Even the national chairman of a defeated party enjoys a large measure of political power, due solely to his position as head of the party organization.

Vice-chairman

In recent Presidential campaigns it has been the practice for the great parties to maintain national headquarters both in New York and in Chicago. The former are generally under the immediate direction of the national chairman, while *vice-chairmen* are placed in charge of the Chicago headquarters and are held responsible for the direction of the campaign in the Western States.[1]

Secretary of national committee is the chairman's adjutant

Closely associated with the national chairman is the *secretary of the national committee.* While subordinate in determining the policy of the committee, he is one of the most effective factors in a campaign. "The chairman may visit different parts of the country and may make campaign speeches; but the secretary is the constant executive worker and director at headquarters, and no man in the country is more familiar with the details of actual campaign work than he. He is an able business manager, he occupies a position of first-rate importance, and he probably knows more of the actual forces in practical politics than any other man in the country." [2]

[1] In New York City the Democratic national headquarters in 1916 were located at 30 East 42d Street and the Republican headquarters were a short distance away, at 511 Fifth Avenue. In Chicago the Democratic headquarters were in the Karpen Building, on Michigan Avenue, and the Republican in the Conway Building, Washington Street.

[2] J. A. Woodburn, *Political Parties*, 300.

(3) Congressmen are chosen at every Presidential election and midway between. Therefore, existing independently of the national committee is the *congressional campaign committee*, with headquarters in Washington, which devotes itself to the work of securing the election to Congress of as many candidates as possible who bear the party label. Upon the opening of the Presidential campaign the congressional committee places all its resources at the disposal of the national committee, and becomes its close ally, foregoing its own initiative even in what concerns the congressional elections. This is due to the fact that in the "Presidential year" all the congressional elections follow the fortunes of the contest for the Presidency. But in "off years" this committee intervenes actively in the congressional campaign.[1] It is then in entire charge of the campaign for the election of congressmen, relying, of course, upon the co-operation of State and local committees. It distributes political literature, maintains a bureau of campaign speakers, raises and distributes money in considerable sums, giving special attention to doubtful districts. It often interposes to smooth out local differences. In the interval between elections it keeps in more or less close touch with the congressional district committees of the different States, endeavoring to strengthen in every way possible the party organization.

Congressional campaign committee looks after election of congressmen

The Republican congressional campaign committee is chosen by a joint caucus of Republican senators and representatives in Congress for the time being.

[1] Ostrogorski, II, 285.

Composition of Republican and Democratic congressional campaign committees

Each State and Territory is represented by one member on the committee. When a State happens to have no Republican senator or representative it is left unrepresented. Senators are sometimes members of this committee, although as a rule the committee consists wholly of members of the House.[1]

The Democratic congressional campaign committee is differently constituted. The members are chosen from both the Senate and the House by separate caucuses. The Senate has nine members and each State or Territory represented in the House has a member. If a State is unrepresented, some prominent member of the party from that State is elected to serve on the committee. This makes the Democratic committee considerably larger than the Republican committee.[2]

The State central committee

(4) Below these committees whose field of action is nation-wide, and working in harmony with them, are the *State committees* or *State central committees*, which are directly in charge of the campaigns in their respective States. The greater part of the work performed by the national committee and the congressional campaign committee is of a temporary nature. After the close of the campaign the national committee continues to exist, but it falls into a state of "suspended animation," to revive at the expiration of three years on the approach of the next national convention. The same is only less true of the congressional campaign committee, but not of the State committees and the local committees which work under their direction or supervision. These may be

[1] Jesse Macy, *op. cit.*, 90. [2] *Ibid.*, 91.

regarded as the permanent parts of the party machinery: they constitute *the normal party organization.*

Its composition

The composition and powers of the State central committees vary greatly from State to State.[1] In the majority of States the State committee is made up of representatives either from the different congressional districts of the State or from the counties. In some cases, however, the members are chosen by a mixed system in which the county, legislative, and congressional districts form the basis of representation. The number of members from each unit represented also varies greatly and consequently there is no uniformity in the size of these committees. At least five such committees have one hundred or more members. Usually the number from each unit is determined by geographical rather than numerical considerations.

The members of these State committees serve for periods varying in different States from one to four years. They are usually chosen by the delegates to the State convention. The delegates in this convention from each area represented on the committee hold a caucus and choose their quota of members, such choice being usually, though not invariably, final. Of course in States where the convention system has been abolished, as in Wisconsin, some other method, generally the direct primary, is employed. Vacancies arising in the State committee are gener-

[1] This description of State central committees is largely a condensation of an article by Professor Merriam, in *Pol. Sci. Quar.*, XIX, 224 (1904).

ally filled by the remaining members, although frequently this is done by the local committees.

State chairman nominal head of State party organization

The officers of the State central committee consist of a chairman, a secretary—generally the most important officer—a treasurer, and sometimes a vice-chairman and a sergeant-at-arms. These officers are usually elected by the committee itself. They need not be, and frequently are not, members of the committee. The chairman of the State committee is the nominal head of the party organization in the State. He may or may not be a dominant leader in the party. "Often he is merely a figurehead who obeys the orders of leaders, bosses, or powerful private persons who dictate party policies and use him as a screen." Sometimes the State chairman is a United States senator or a high State official.[1] In most States there are subcommittees, of which the most important is the executive or campaign committee, consisting of from three to nine members. This committee is the most active part of the State party organization. Frequently there is also maintained a speakers' bureau or a literature bureau, or both.

Influence of State committee on nominations

The powers or duties of the State committee are seldom defined either in writing or by tradition. Where the State convention exists, the committee usually determines the time and place of holding the convention, fixes the ratio of representation therein, issues the call, and sometimes makes up the temporary roll of the convention. In not a few States the committee has come to represent a more or less powerful faction or personal following

[1] Beard, 657.

which exerts year after year a powerful influence in the choice of delegates to the convention, in shaping the work of the convention, and even in determining what persons shall or shall not be placed in nomination by the convention. "To the ambitious aspirant for party authority the State central committee is a point of great strategic importance, and many a bitter fight has been waged for its control."

Chief function the management of campaigns

Upon the adjournment of the national or State convention, or after the direct primaries, the State committee assumes charge of the campaign and exercises general supervision over it. In fact, the most important, at least the most conspicuous, duties of this committee centre in the conduct of the campaign. "Given the candidates and the platform, it is the function of the State committee to see that these particular persons and principles are indorsed by the voters of the State, or at least that the full party strength is polled for them." It raises funds and distributes them at its discretion. It prepares and sends out literature and assigns speakers to different places. In the Presidential campaign it constantly co-operates with the national committee. It must also keep in constant touch with the county and local committees, and in some cases it exercises great authority over them.

***Local committees* with important functions**

(5) In addition to the committees already described, every national or State campaign brings into active operation a host of *local committees* concerned with the campaign in smaller areas. In practically every congressional, senatorial, or assembly district there is a congressional, senatorial, or assembly dis-

trict committee; in every county, a county committee; in every township or borough, a township or borough committee; in every large city, a city committee; while every ward or voting precinct has its committee. All of these committees co-operate with the national, congressional, and State committees, obeying their instructions and looking after a multitude of details. They are expected, for example, to raise money for use in their own districts, to employ speakers whenever possible, to distribute literature furnished by the national or State committee, call primaries, conventions, and meetings of local party workers, to organize and direct "rallies" and demonstrations, to instruct the voters about the formalities connected with registration, the location of voting-places, and the form of the ballot. They look after the naturalization of aliens and appoint party watchers to serve at the polls on election days. Above all, as the day of election approaches, they are expected to arrange for a thorough canvass of the voters to ascertain if possible the number that can be relied upon to support the ticket, those who are wavering, and those whose politics are unknown.

The canvasses of individual voters alluded to in the last paragraph are, in many places, conducted with the utmost thoroughness during a Presidential campaign. Ordinarily there are two such canvasses: one occurs in September, and the last is completed about two weeks before the election and furnishes the hints for the disposition of party resources at the last hour. In doubtful or close States there are frequently three canvasses, at ninety, sixty, and thirty

days, respectively, before election. During these canvasses special party workers scour the country, taking down a quantity of details about the doubtful or wavering voters, usually quite unknown to them. For example, the voter's race, religion, business, circle of acquaintances, his pecuniary position, names of persons to whom he owes money or to whom he is under any kind of obligation are all carefully noted. The local committees, under whose direction much of this canvassing is conducted, report at frequent intervals to the State committee, which in turn reports to the national chairman, and in that way the national chairman and his staff are kept constantly in touch with the conditions all over the country as they vary from week to week.[1]

A study of local committees of prime importance

The methods by which these various local committees are constituted and the rules by which they are governed vary so greatly from State to State, and often in different parts of the same State, that it is unsafe to attempt to formulate any general rule. Each student and voter should diligently inform himself regarding the constitution and functions of these smaller committees in his own State. Correspondence with party officials will generally produce the information desired which often cannot be obtained from printed sources. In large cities like New York and Philadelphia each party has a more or less detailed body of printed rules, copies of which can generally be obtained of the secretary or chairman for

[1] Ostrogorski, II, 306. For a set of instructions issued by a State committee to the party workers throughout the State, see Woodburn, 313.

the asking. A thorough knowledge of the constitution and methods of these local committees is essential to a thorough understanding of practical politics. For, as we have seen, although these different State and local committees were originally created to conduct a campaign after nominations had been made by the rank and file of the party, they have now come to exercise in many localities an enormous influence in determining nominations through their control of primaries and conventions. So great has this power of State and local committees become in many parts of the country that they are often designated in common speech as "the organization" or "the machine."

Organization of women voters

The number of women voters has so increased in the last few years that politicians of the leading parties in some of the States having woman suffrage, and perhaps in all, have exerted themselves to effect central and local organizations of the women in their respective parties. In Illinois, for example, we find the Illinois Republican League representing the women voters of that party in Cook County. This is a body of one hundred and fifty delegates, representing all the wards in Chicago and the six "country" districts in Cook County outside the city. To this league each ward is entitled to send the president and secretary of its ward organization and two other delegates. In the Democratic party there is a similar organization called the Illinois Women's Democratic League, and the constituent ward organizations are known as the "ward branches." Representation in the meetings of this league is not

restricted to a fixed number of delegates from each ward, but any Democratic woman of Cook County may attend and participate in its deliberations.

In the wards, and in the precincts as well, in Chicago one finds both parties and every faction maintaining women's clubs wherever they have men's organizations. They are frequently called the "women's auxiliary." They are modelled upon and generally work in close co-operation with the male organizations. They appoint precinct captains after the manner of the men, hold joint meetings with the men, assist in enrolling voters and in conducting house-to-house canvasses, and look after the appointment of women watchers and workers at the polls on primary and election days. Occasionally this co-operation between the two sets of organizations is conspicuously absent, and the women have shown a strong disposition to organize and act quite independently. Of course this has tended to complicate the political situation, but at times has produced good results, as in the case of the seventh ward women's Republican organization in the aldermanic election of 1914.

Seventh ward women's Republican organization in Chicago

These public-spirited women started with the organization of a women's committee of some thirty odd members, representing all the different groups of the seventh ward women. "On this committee were to be found ministers' wives, presidents of social clubs, civic club presidents, heads of card clubs, etc. This women's organization decided not to wait for the regular Republican nominee for alderman, but to forestall the old Republican machine by of-

fering it their candidate before any other selection had been made. The women's choice fell upon one of the leading business men of the community, who had never mixed in politics before, but who had a very good business and personal reputation. In this first step the women were to meet with disappointment. The machine rejected their man as a 'hand-picked' candidate. However, the women were not to be discouraged . . . and put their man into the field as an independent candidate. . . . The women soon learned that the most effective method of winning votes for their candidate were those employed by the old party machines. They did not hesitate to adopt all of these that were legitimate. They formed a flying squadron in groups of two, for making house-to-house canvasses. They sent out a circular letter signed by several of the responsible women of the ward, calling attention to some of the needed reforms and setting forth the merits of their candidate. Pledge-blanks promising support to their men were presented to every woman and most of the men of their ward for signing. Afternoon teas and parlor entertainments were staged for the women, at which functions one of their able speakers always presented the merits of their candidate. A card catalogue was made of all the voters, men and women, who had pledged their support to the independent candidate, and a large number of automobiles were enlisted on election day to get these voters to the polls. The result at the polls told the story. The women elected their candidate for alderman by a substantial plurality over the regular Republican and Democratic

nominees. This taught the men a lesson. So effective was this seventh ward women's club's machinery and so thoroughgoing its methods that the old Republican machine of the seventh ward . . . decided to welcome this women's organization into its fold and to indorse its candidate" for re-election in 1916, when he was again nominated and elected.[1]

In theory, committees are servants of the party, but in practice irresponsible masters

Party committees, like other committees, are subordinate bodies and should be the servants, not the masters, of those who created them. They should in a very positive sense represent the body of voters from whom they derive their authority, and there should be some means by which they may be held accountable for the satisfactory performance of their duties. In practice, however, it has too often come to be the case that party committees are irresponsible bodies, representing the worst and most unscrupulous elements of a party instead of its best and most trusted elements. The secrecy and the irresponsibility that surround the activities of most political committees form a very objectionable feature of their work, since therein lurk the various kinds of political corruption which have become so notorious.[2]

A certain degree of responsibility and popular control has been introduced by many of the laws which require publicity of campaign expenditures by political committees, and also by means of the direct primary. In a number of States, perhaps in the ma-

[1] For the facts given above relative to women's political organizations in Chicago, I am indebted to one of my graduate students, Mr. C. M. Yount, from whose thesis on *Party Organization in Chicago* the above quotation is taken.

[2] Herbert Welsh, in *Forum*, XIV, 26 (1892).

jority, provision is made for the election of some, if not all, party committees by a direct vote of the party membership at the direct primary election. This affords an opportunity at least for the better element of a party to gain control of the party machinery, though it may be doubted whether very much permanent improvement in this respect has yet been achieved. The suggestion of Governor Hughes, of New York, already explained,[1] would tend to secure a much greater degree of responsibility on the part of those in control of the party organization, and was for that very reason vigorously opposed by the machine politicians.

The efficiency of all this party machinery varies greatly. Political conditions in a doubtful State, like Indiana or New York, tend to the most complete development of the party "machine," and to keep it at its maximum efficiency and always in good working order. Sometimes, however, where one party is overwhelmingly in control of the State or municipality, as in Pennsylvania and New York City, other causes serve to maintain year after year a party organization which is at once the admiration and despair of its opponents, especially the reformers.

Party organization like an army with its officers and *privates*

(6) This elaborate and nation-wide party organization has been likened to a great army in which the national chairman corresponds to the commander-in-chief, the national committee, the congressional campaign committee, the State committee, the county and district committees, and the township committees roughly correspond to the commanders of corps,

[1] See chapter VI.

divisions, brigades, regiments, and companies. Below this great body of party officials, estimated at about fifty thousand, is *the vast army of privates*, numbering perhaps a million.[1] These are *the active party workers* representing the party organization in the precinct, ward, or election district, whatever the lowest political subdivision in the State may happen to be—the unit where the polling-place is located. Here it is that the party workers come into immediate contact with the voters; here it is also that public opinion may be organized to bring pressure to bear upon the party machinery. It is of fundamental importance, therefore, that the party should have in each precinct, ward, or election district, as the case may be, at least one loyal and tried worker,[2] personally acquainted with a large number of the voters and trained in the art and the science of winning votes. If this party worker, in the lowest political subdivision, represents the interests and aspirations of the party voters in his district, we have a truly representative party organization. Too often, however, these workers are in the pay of party officials higher up, and seek to carry out their orders regardless of public opinion and the public interest.[3]

In concluding this description of party machinery, brief mention should be made of a new practice instituted in the Presidential campaign of 1900 by the chairman of the Democratic national committee. This innovation consisted in the selection of a special

[1] Ostrogorski's *Democracy and the Party System*, 164.
[2] Usually called, in great cities, the district captain.
[3] Beard, 663.

In 1900 Democrats added a new feature to party organization

representative of the national committee in every election precinct in the United States. So comprehensive an organization could not be completed during a single campaign, but in the doubtful States in 1900 there were over 30,000 such official representatives of the national committee. It was found that they could deliver campaign documents and make canvasses of voters more effectively than the county and local committees. The supervision and organization of such a vast body of workers, of course, imposes a heavy additional burden upon the national chairman; but when effectively done it will mark an important step toward the perfecting of the national organization of the great parties.[1]

QUESTIONS AND TOPICS

1. How are the national committees of the Prohibitionist, Populist, and Socialist parties constituted?

2. The political influence wielded by Senator Hanna as chairman of the Republican national committee and by Senator Gorman as chairman of the Democratic national committee. (See Ogden, Croly.)

3. Frank H. Hitchcock as chairman of the Republican national committee in 1908.

4. Thurlow Weed as a campaign manager. (See Weed's *Autobiography*.)

5. A description of the Republican and Democratic organization in (*a*) a typical Republican State, *e. g.*, Pennsylvania; in (*b*) a typical Democratic State, *e. g.*, Missouri; and in (*c*) a typical doubtful State, *e. g.*, Indiana or New York.

6. How are the State central committees in your own State constituted? How are vacancies filled? What powers do these committees exercise?

7. How are the State committees chosen in States where the convention system has been abolished?

[1] W. J. Abbott, *op. cit.*

8. How are the various party committees below the State central committee constituted in your own State?

9. The composition of and the work done by the Democratic and Republican committees in large cities, like Boston, New York, Philadelphia, Baltimore, New Orleans, Chicago, and San Francisco.

10. What are the qualifications and duties of an election district captain in our large cities? (See Beard, 665 ff.)

11. Under what circumstances have national committees assumed the right to expel members of the committee? (See Woodburn.)

12. Party organization before the Revolution—the committees of correspondence.

13. Party organization in New England in the Jeffersonian period. (See Robinson.)

14. The prominent part taken by the Republican national committee in connection with the national convention of 1912.

15. The debate in the Democratic national convention of 1912 over the federation of Democratic precinct clubs. (See *Official Proceedings*, pp. 461 ff.).

BIBLIOGRAPHY

American Year Book, 1910, pp. 146–148. "Reform of Party Organizations."

Beard, C. A., *American Government and Politics*, pp. 657–667.

Becker, Carl, "Growth of Revolutionary Parties and Methods in New York Province, 1765–74," in *Am. Hist. Rev.*, VI, 56 (1901–2).

Collins, E. D., "Committees of Correspondence of the American Revolution," in Am. Hist. Assn. *Report*, I, 243 (1901).

Croly, Herbert, *Marcus Alonzo Hanna* (1912).

Ford, H. J., *The Rise and Growth of American Politics* (1898), ch. 23.

McLaughlin and Hart, *Cyclopedia of American Government*, I, 361, "Committees, Party"; II, 631, "Party Organization in California"; 634, "Party Organization in Massachusetts"; 636, "Party Organization in Pennsylvania"; 638, "Party Organization in the South"; 645, "Party System in Doubtful States"; 649, "Party System in Sure States."

Macy, Jesse, *Party Organization and Machinery* (1904).

Merriam, C. E., "State Central Committees," in *Pol. Sci. Quar.*, XIX, 224 (1904).

Munro, W. B., *Government of American Cities* (1912), ch. 7.

Ogden, Rollo. "The New Powers of the National Committee," in *Atlantic Monthly*, LXXXIX, 76 (1902).

Ostrogorski, M., *Democracy and the Organization of Political Parties* (1902), II, pt. 5, ch. 4.

—— *Democracy and the Party System* (1910), ch. 9.

Parsons, Herbert, "Why a Political Party Needs Money," in *Outlook*, XCVI, 351 (1910). On the work of the New York County Republican committee.

Price, T. H., and R. Spillane, "Stalking for Nine Million Voters," in *World's Work*, XXXII, 663 (1916). On the management of the Presidential campaign of 1916.

Review of Reviews, XIV, 421 (1896), "The Three Strategic Chiefs of the Presidential Campaign."

Robinson, W. A., "Party Organization and Campaign Methods in New England in the Jeffersonian Era," in Washington University *Studies*, III, pt. 2, no. 2 (1916).

Smith, Snell, "Chairman Frank Harris Hitchcock," in *Rev. of Rev.*, XXXVIII, 439 (1908) .

Trowbridge, J. R., "The Political Machine," in *Yale Review*, XIII, 287 (1904).

Webster, H. J., *History of the Democratic Party Organization in the Northwest, 1824–1840* (1915).

Welsh, Herbert, "Campaign Committees: Publicity as a Cure for Corruption," in *Forum*, XIV, 26 (1892).

White, W. A., "Hanna," in *McClure's*, XVI, 57 (1900). Sketch of Mark Hanna's political career and methods.

Woodburn, J. A., *Political Parties and Party Problems* (1914), ch. 14.

CHAPTER X

CAMPAIGN METHODS

Purpose of party machinery

So far as a specific campaign is concerned, the elaborate party organization or machinery described in the preceding chapter exists for the purpose of (1) instructing the voters respecting the issues of the campaign, the principles and policies of the party, the merits of the candidates, and the misdeeds and weaknesses of opposing parties; (2) of arousing the enthusiasm of the rank and file of the party and quickening the loyalty of the wavering; (3) of attracting the increasingly large class of independent voters to the support of the party ticket; (4) of making thorough canvasses of the voters before the day of election in order to ascertain the drift of political sentiment; and (5) of seeing that the full party vote is polled and recorded on the day of election. In the attainment of these results the various campaign committees employ a great variety of means which, for convenience, may be considered in two main groups: those agencies or methods designed primarily to stir the emotions of the voters; and those agencies or methods which are directed chiefly to the intelligence of the voters.

Among methods coming in the first group are (1) thousands of *mass-meetings* of the voters, held in every Presidential campaign. These meetings are of all sorts and sizes and are held in all kinds of places. They vary in size from a few score of persons on a

Campaign methods which appeal to *emotions* include mass-meetings or "rallies"

street corner to thousands in a great auditorium or at a State or county fair. Similar meetings, though less frequent and as a rule less well attended, are also held in the "off years."

Oftentimes State or county "rallies" are held. These are mass-meetings of voters from all over the State or county, held sometimes in a huge tent, at other times in some large park or at a county fair, and usually preceded by a big parade or followed by a torchlight procession in the evening. Mass-meetings and rallies are seldom attended by members of other parties than the one which organizes them, although outsiders are always welcomed. The object of American political meetings is not so much to instruct and to convert those who attend as it is to strengthen the party members in the party creed and to arouse enthusiasm. These political meetings are addressed by several speakers, who are often men of national reputation as orators. The arrangements for such political meetings are always made by the State or local committees concerned. The speakers, or "spellbinders," at all the larger gatherings are usually provided by the State committee or by the speakers' bureau of the national committee.

"Stump" speakers, or "spellbinders"

(2) *The work of the speakers' bureau* in selecting, coaching, and assigning speakers is of very great importance in every national and in many State campaigns. In some campaigns as many as five thousand persons have applied for positions as campaign speakers, although only a comparatively small number were finally employed. In the campaign of 1900 the Republicans employed about six hundred speak-

ers. United States senators, congressmen, governors, ex-Presidents, members of the cabinet, lawyers, journalists, business men who can talk well in public, sometimes clergymen, and the Presidential and Vice-Presidential candidates themselves are to be found in the list of speakers. They are sent from State to State and may or may not be paid for their services. Some have been paid as high as one hundred dollars a night and expenses. The most important speakers are assigned, paid, and have their itinerary planned by the speakers' bureau, while speakers of less note are selected, assigned, and perhaps paid by the State or local committees. Those in charge of this part of a campaign must exercise great care and discrimination in making these assignments: funny men must not be sent to audiences requiring reasoners; while the foreign-speaking element must be provided, if possible, with speakers who can address them in their own tongue. Fifty Germans, 25 Swedes, 25 Norwegians, 10 Poles, 10 Italians, 5 Frenchmen, and 6 Finns were employed as speakers by the Republicans in 1900. Use is also made of good workshop or factory talkers to address their fellow employees, and sometimes "fake" debates among wage-earners are gotten up.[1]

Campaign clubs

(3) Another common agency for rousing party enthusiasm is the formation of temporary associations of citizens who in ordinary times pay little or no attention to politics. These associations are known as *campaign clubs*. The members meet, perhaps every evening during the campaign, and listen to speeches which glorify their candidates. They sing political

[1] Edward Lissner, in *Harper's Weekly*, XLVIII, pt. 2, p. 1315 (1904).

songs, absorb enthusiasm for the party ticket, and diffuse this enthusiasm around them in the club and outside. Generally these clubs are formed in each locality soon after the national convention has adjourned, and they are most active in September and October of Presidential-election years. In towns of considerable size one finds a large number of such clubs in each of the great parties; while in great cities such clubs frequently maintain a continuous existence from year to year. One is apt to find a Republican and a Democratic commercial travellers' club, a lawyers' club, a merchants' club, a railroad employees' club, working-men's clubs, often one in each large factory, clubs of colored men, and clubs composed solely of Irish, Jewish, Polish, French, German, or other foreign-born voters. Not infrequently these clubs have a sort of military organization, the members wearing uniforms and calling themselves "marching clubs." This kind appeals with special force to the younger voters. In 1892 the Republicans began to organize clubs among students in the colleges and universities, and a federation of such clubs was formed the same year called the American Republican College League. Four years later the Democratic party instituted similar clubs.[1] A serious effort was made by the Republican party, beginning in 1888, to weld all these temporary campaign clubs, described above, into a permanent federation known as the Republican National League. This was soon followed by the organization of the National Association of Democratic Clubs. Al-

[1] Ostrogorski, II, 290 ff.

though the total enrolment of these two leagues has at times been as high as two million, representing from two to four thousand different clubs, most of the clubs have, after the campaign, only a nominal existence. Hardly one club in a hundred has premises of its own; generally they hire a room for the occasion, and their meetings in non-Presidential years are infrequent. During the campaign, however, they are very active. It has been estimated that between a million and a half and two million voters are then enrolled in one club or another, or, in other words, that about one in every four or five voters is identified with some political organization, temporary or permanent.[1]

Miscellaneous devices

(4) Other devices for arousing the interest and enthusiasm of the voters take the form of parades or torchlight processions, picnics or barbecues, accompanied by athletic contests, and even dances, theatrical performances, and moving-picture shows are employed. Political emblems, such as badges, banners, or flags bearing the names or likenesses of the leading party candidates are also very common. Bets on the success of the party in the coming election are resorted to and widely advertised by political committees with the expectation of influencing certain classes of voters. National committees have been known to provide large sums for bets with a view to influencing doubtful States. "Charges" or "campaign lies," consisting of more or less libellous accusations brought against prominent candidates of the opposing party, appear in almost every campaign, national and State.

[1] *Ibid.*, 289.

Such personal attacks create something of a sensation for the moment, especially among the readers of the more unscrupulous newspapers, and have even been known seriously to affect elections. Campaign managers are also fond of putting forth extravagant "claims" or pre-election estimates respecting the probable size of the party majority. Some voters, especially those who desire above all things to be on the winning side, may be influenced by such predictions. Where these claims are based upon careful and exhaustive canvasses of the voters for a large area some reliance may be placed upon them; but ordinarily they are not to be taken seriously. Where important economic issues have been prominent, employers have been known to attempt to influence the votes of their employees by placing slips inside of their pay envelopes urging them to support a certain party; or such efforts may take the form of threats, open or veiled, to reduce wages or to close the shops if the other party wins.

"Hoopla" and "gum-shoe" campaigns

Campaigns in which party managers resort to every available device to rouse the interest and enthusiasm of the voters are sometimes called "hoopla" or "hurrah" campaigns. There are campaigns, however, when it is deemed better policy to dispense with this noisy "Chinese business," as it has been called, and to pursue instead a "still hunt," or "gum-shoe" campaign in which the voters are reached and influenced by quiet personal interviews and a house-to-house canvass. A minority party will adopt these tactics occasionally in the hope of inducing in the managers of the other party a feeling of false security

and overconfidence, owing to which they may neglect to see that the full party vote is registered and polled. Consequently, when the day of election arrives an unpleasant surprise may be in store for the usually victorious party.[1]

Methods appealing to the *intelligence* include campaign documents

The agencies designed primarily to appeal to the reason and intelligence of the voters fall into two main classes—*campaign documents* and the *newspapers*. (1) *Campaign documents* assume a great variety of forms, and vary in size from a one-page dodger or small card to a volume of two or three hundred pages. Each party in a Presidential campaign issues its *campaign text-book*, a volume filled with all kinds of political information likely to prove useful to campaign speakers and other prominent party workers. These text-books are not for general distribution, but copies may be obtained by any one for a small sum. In some of the large States a similar volume is compiled and published by the State committee for use in important State campaigns. Each Presidential campaign also produces a crop of *campaign biographies* of the party candidates for President and Vice-President, sold at popular prices. These biographies are prepared for partisan purposes and of course are not always accurate in their statements of fact regarding the public life of candidates. *Speeches* of representatives and senators in Congress are widely circulated during every Presidential and congressional campaign. *Posters*, especially pictorial ones, are peculiarly effective with voters who will not take the time, or have not the interest or ability, to read other campaign

[1] Woodburn, 307, 308.

documents. In 1896 the Republicans circulated some five hundred different kinds of posters.

The Oregon "publicity pamphlet"

The State of Oregon has recently inaugurated a novel scheme for educating the public regarding the merits of different candidates and the policies and principles for which they stand. Before every *primary* election a "publicity pamphlet" is prepared, under the supervision of the secretary of state, in which all candidates for nomination to State and Federal offices may publish a statement of their qualifications and the principles or policies which they advocate or favor, or anything else in support of their candidacy. Each candidate is required to pay for at least one page in the publicity pamphlet. Additional pages may be had for one hundred dollars a page, but no candidate may use more than four pages in all. At the same rates, space in the pamphlet may also be used *against* any candidate if this matter is first submitted to the candidate opposed and signed by the author, subject, of course, to the ordinary law of libel. One copy of this pamphlet is mailed by the secretary of state, at State expense, to every registered voter. Similar pamphlets relating to candidates for the county offices are issued by the county clerks and mailed to each voter in the county at the expense of the county. The pamphlets must be mailed at least eight days before the primary elections. The charges per page vary from ten dollars for candidates for the minor offices to one hundred dollars for candidates for the highest offices.[1]

Again, before the regular *election* party officers or the executive committee of a party may submit to

[1] Jonathan Bourne, Jr., in *Outlook*, XCVI, 321 ff. (1910).

the secretary of state portrait cuts of candidates and typewritten statements and arguments for the success of the party's principles and the election of its candidates; also statements opposing or attacking the principles or candidates of all other parties. The same privilege is extended to all independent candidates. These statements are printed in another publicity pamphlet, which is mailed at public expense to the voters not later than the tenth day before the election. No party may use more than twenty-four pages in this pamphlet. The charge is fifty dollars per page.[1] There is much in this new method to commend itself to the people of other States, both as a means of educating the voters and also as a means of placing the poor candidate on more nearly an equal footing with the rich candidate so far as concerns ability to bring his claims directly to the consideration of the people. Recently the publicity-pamphlet idea has been adopted in about one-fourth of the States.[2]

The total output of campaign documents in a Presidential year is enormous. In the campaign of 1900, for example, the Democrats published one hundred and fifty-eight different documents and distributed over twenty-five million copies, and the Republican party probably surpassed this record. In that year eight million copies of one of Mr. Bryan's speeches were printed in eleven different languages and seven million copies of Mr. McKinley's letter of acceptance were distributed. In one day four and a half million copies of a single speech were sent out from the Republican headquarters in Chicago, and over three tons of other documents were shipped on the same day.

[1] *Ibid.* [2] 1916.

These documents are usually sent out by the press bureau of the national committee to the State committees and distributed by them to the subordinate committees.[1]

Newspapers

(2) Extensive use has been made in recent years of *newspapers*, especially newspapers circulating in small towns and rural districts. Press bureaus at State and national headquarters prepare copy for these newspapers in the form of telegraphic despatches, editorials, correspondence, etc., and often buy space for political advertisements. Thousands of country newspapers are supplied, free of charge, with patent "insides," or "plate" matter, relating to campaign issues or the candidates. Such newspapers will be furnished with a political sheet to be inserted in each copy issued; in other cases, only the heading and local items will be set up in the local printing-office, the balance of the issue being prepared and printed at some distant establishment under the direction of a political press bureau. "Plate" or stereotyped matter is furnished by the column to papers of larger circulation and influence. Some papers which desire to assume an "independent" attitude in the campaign have a department in their columns called the "campaign forum," or "daily debate," in which appears matter furnished by both leading parties. In the campaign of 1916 both great parties made an unprecedently extensive use of advertisements in newspapers and periodicals in appealing to voters.[2]

[1] *Review of Reviews*, XXII, 529 (1900).

[2] See T. H. Price and R. Spillane, in *World's Work*, XXXII, 667 (1916).

Practical value of these devices

Regarding the practical value of all these different devices, one who has been prominent in the conduct of a national campaign says: "After all, I doubt much whether even the hard work, the systematic work, the astute political devices upon which the politicians so greatly rely, really have as much weight in deciding the fate of an election as people who live entirely in a political atmosphere sometimes think. The success or failure of a candidate for office, and particularly for an exalted national office, depends very much upon conditions similar to those which determine the success or failure of a book. Many a good book well pushed by its publishers has fallen flat. . . . It is somewhat so with a Presidential election. Admitting all the use of money properly and corruptly; admitting that this campaign manager is cleverer than his opponent, still you will find that rising above either of these factors comes, as the determining element in the situation, the temper of the public. Doubtless the newspapers, the documents, and the speakers help, in some slight degree, to form this public sentiment; but if it be against one candidate, the most herculean efforts on the part of his managers cannot stem it. If it be for him, all his associates have to do is to guide it rightly and see that its expression at the polls is correctly recorded." [1]

QUESTIONS AND TOPICS

1. The present-day value of political editorials in England and the United States. (See Porritt, and ch. 9 in Weyl's *The New Democracy*.)

[1] W. J. Abbott, in *Rev. of Rev.*, XXII, 562 (1900).

2. The influence of the political press in the Jacksonian period. (See *Niles' Register*, biographies, and general histories.)

3. The methods used in the Presidential campaign of 1840 and contemporary opinion of them.

4. Compare English and American campaign methods. (See Brooks, Colby, Porritt.)

5. The novel political exhibitions or "rival political shows" used in the New York municipal campaign of 1909. (See *Outlook*.)

6. The effect of Presidential campaigns upon business. (See R. W. Babson, *Business Barometers*, condensed in Philadelphia *Public Ledger*, February 4, 1912.)

7. The Morey letter in the campaign of 1880 and the Murchison letter in the campaign of 1888.

8. The abuse of the congressional franking privilege in connection with political campaigns.

BIBLIOGRAPHY

Abbott, W. J., "The Management of the Democratic Campaign" (1900), in *Rev. of Rev.*, XXII, 556 (1900).

Bishop, J. B., *Our Political Drama*. A number of old campaign cartoons are reproduced.

Blair, Emily N., "Every Man His Own Campaign Manager," in *Outlook*, XCVII, 426 (1911).

Bourne, Jonathan, Jr., "Popular Government in Oregon," in *Outlook*, XCVI, 321 (1910).

Brooks, Sydney, "English and American Elections," in *Harper's*, CI, 329 (1900); also in *Fortnightly Review*, LXXXVII, 246 (1910).

—— "Election Manners in England and America," in *Harper's Weekly*, LIV, 13, February 12, 1910.

Bryce, James, *The American Commonwealth*, II, chs. 71–73 (4th edition).

Buxton, C. R., *Electioneering Up to Date* (1906). On English campaigns.

Century, LXXXIV, 677 (1912), "The Hard Cider Campaign of 1840." Illustrations only.

Colby, Everett, "An American Politician in an English Election," in *Outlook*, XCIX, 319 (1911).

Daniels, Josephus, "Mr. Bryan's Third Campaign," in *Rev. of Rev.*, XXXVIII, 423 (1908).

Fite, E. D., *The Presidential Campaign of 1860.*

Guild, Curtis, Jr., "Spellbinders," in *Scribner's*, XXXII, 561 (1902).

Kellor, F. A., "A New Spirit in Party Organization," in *No. Am. Rev.*, CXCIX, 879 (1914).

Lissner, Edward, "How a National Campaign Is Run," in *Harper's Weekly*, XLVIII, pt. 2, pp. 1314 ff. (1904).

Literary Digest, LIII, 1087 (1916), "Political Reports from 3,000 Communities." Results of a straw vote.

—— LIII, 1155 (1916), "30,000 Straw Votes in Five Doubtful States."

McConnell, G. M., *Presidential Campaigns from Washington to Roosevelt.*

McLaughlin and Hart, *Cyclopedia of American Government*, I, 208, "Campaigns, Political."

Nation, XCV, 348 (1912), "Campaigns and Votes."

Ostrogorski, M., *Democracy and the Organization of Political Parties* (1902), II, pt. 5, chs. 4–5.

—— *Democracy and the Party System* (1910), chs. 9–10.

Outlook, XCIII, 360 (1909), "Rival Political Shows."

—— XCVI, 523 (1910), "Campaign Methods."

—— XCVIII, 861 (1911), "An American Epidemic." On the slander of public men.

Porritt, Edward, "Political Campaigning in England and America," in *Atlantic Monthly*, CII, 156 (1908).

Review of Reviews, XXII, 529 (1900), "How the Republican National Committee Works for Votes."

Robinson, W. A., "Party Organization and Campaign Methods in New England in the Jeffersonian Era," in Washington University *Studies*, III, pt. 2, no. 2 (1916).

Ruhl, A., "Campaigning in Costa Rica," in *Outlook*, CVI, 35 (1914).

Shaw, W. B., "Methods and Tactics of the Campaign," in *Rev. of Rev.*, XIV, 550 (1896).

Turner, G. K., "Manufacturing Public Opinion," in *McClure's*, XXXIX, 316 (1912).

Wellman, Walter, "Management of the Taft Campaign," in *Rev. of Rev.*, XXXVIII, 432 (1908).

CHAPTER XI

PARTY FINANCE. REVENUES. LEGITIMATE AND ILLEGITIMATE EXPENDITURES. CORRUPT PRACTICES ACTS AND OTHER REMEDIAL LEGISLATION. PUBLICITY LAWS

Size of campaign funds enormously increased since 1860

The employment of the various agencies or methods described in the preceding chapters involves the collection and expenditure of large sums of money. Indeed, the first work of campaign organization is to raise money, or a "campaign fund," as it is called. The amount of money spent by the great political parties in a Presidential campaign has increased to enormous proportions in recent years. In the Buchanan campaign of 1856 the total sum at the command of the Democratic national committee was less than $250,000, while the amount expended by the Republican national committee in the Lincoln campaign of 1860 was only a little over $100,000.[1] After the Civil War the amount expended in a national campaign steadily rose until it reached its high-water mark in the campaign of 1896, when, it is believed, the Republicans alone had a fund of $7,000,000.[2] In the last three campaigns the Democratic and Republican funds have been much smaller. Mr. Cortelyou, chairman of the Republican national committee in

[1] Perry Belmont, in *No. Am. Rev.*, CLXXX, 166 (1905).
[2] Rollo Ogden, in *Atlantic Monthly*, LXXXIX, 76 (1902).

1904, testified before a Senate committee in 1912 that the Republican fund for 1904 amounted to $1,900,000. Mr. Mack, chairman of the Democratic national committee in the same campaign, testified before the same committee that the Democratic fund amounted to about $700,000. Mr. Hitchcock testified that the Republican fund in 1908 amounted to $1,655,518.27. In the campaign of 1912 the Democrats expended over $1,130,000, the Republicans over $1,070,000, and the National Progressive party over $670,000.

In 1916 economy was the declared policy of both great parties. It was believed that public sentiment had come to oppose lavish expenditures for political purposes, and neither the Republicans nor the Democrats cared to have it said that they carried the election by force of money. Nevertheless, the expenditures of the Republicans in that campaign amounted to $3,829,260.02, while Democratic disbursements amounted to $1,958,508.19.

Work of the finance committees

The work of collecting money for a Presidential campaign falls principally to the chairman and members of the finance committee. To facilitate the collection of funds in 1908, the Republicans found it advisable to organize finance committees in all the Northern States. In the same year the Democratic national committee collected a large sum through the assistance of about one hundred leading Democratic newspapers. Large sums are disbursed directly by the national committee, but even greater sums, perhaps, are disbursed directly through the State and local committees. Probably every party committee

has something in the way of a campaign fund collected either through its own efforts or advanced to it by committees higher up.[1] It will be convenient to treat the subject of party finance under the three main headings of *party revenue*, *party expenditures*, and *remedial legislation*.

The *sources* of party revenue or campaign funds

The principal *sources of party revenue* are: (1) Voluntary subscriptions by the rank and file of the party. The total amount of these subscriptions is much larger than is generally supposed. One little town in Indiana, for example, with a population of only 4,000, in 1888, when party enthusiasm ran high, raised in this way $1,200.[2] Money comes from men in moderate circumstances as well as from rich men. One feature of the campaign of 1904 was the starting of a "one dollar" subscription list by President Roosevelt for the benefit of the Republican fund; and among the contributions to the Democratic fund in 1908 a surprising amount came in small sums, such as dollar bills, small checks, and money-orders, from private persons of moderate means.[3] On the other hand, instances have come to light in recent years of thousands of dollars subscribed by rich men with the expectation, if not the express promise, that they should be rewarded with appointments to high offices if the party is successful in the election. In the campaign of 1916 there was again manifested a desire to democratize the source of campaign funds. An effort was made to obtain small amounts from the

[1] Walter Wellman, in *Rev. of Rev.*, XXXVIII, 432 (1908).
[2] J. W. Jenks, in *Century*, XLIV, 940 (1892).
[3] Josephus Daniels, in *Rev. of Rev.*, XXXVIII, 423 (1908).

many rather than large amounts from a few. The Democrats, for example, tried to appoint finance committees in every place of more than five hundred inhabitants, and hoped through these committees to induce every Democrat to contribute a moderate amount toward the cost of the campaign, in the belief that all who gave would come to feel a proprietary interest in the party. An engrossed receipt was sent to every contributor. The Republicans developed a similar plan. Advertisements were inserted in newspapers and magazines and circular letters sent out asking for voluntary contributions of ten dollars from each Republican voter. Those who responded were designated as "contributing members" and received an engraved certificate.[1]

(2) Until recently corporations have been known to make generous contributions to party funds. Such contributions may be made with perfectly innocent and worthy motives, but in many instances it has been demonstrated that they have been made with the express or implied understanding that legislation favorable to the contributing corporations would be enacted, or at least that the corporate interests would be protected by the party managers from unfavorable legislation.[2]

(3) There are known instances when the agents of the party in office have secretly appropriated public funds of the city, county, or State to campaign pur-

[1] See T. H. Price and R. Spillane, in *World's Work*, XXXII, 666 (1916).

[2] See Mr. Havemeyer's testimony in the investigation of the sugar trust, *Senate Reports*, 2d session, 53d Congress, X, 351 ff.; also quoted in Beard's *Readings*.

poses to the advantage of their own party. This practice is, of course, illegal, and when exposed usually meets condign punishment.

(4) Before popular election of United States senators became established by law, candidates for the State Legislature often found an important source of revenue for their personal campaign funds in the generous contributions of aspirants for election to the United States Senate. The recipient, if elected, was, of course, expected to vote for his benefactor.

(5) In large cities and in some States, especially where boss domination and machine rule are most securely intrenched, large sums are obtained from persons desiring the party nomination for different offices. Among several aspirants for a given nomination, the boss or machine awards the nomination to the one who is willing to make the largest contribution to the campaign fund. In other words, there is virtually a sale of the nomination to the highest bidder.

(6) The contributions of *candidates* is another important source. These may be perfectly voluntary or they may be in the nature of assessments made by the party managers or committees in charge of the campaign in the locality most concerned. In the latter case, the contributions sometimes follow a regular scale, as a certain percentage of the salary attached to each office.[1] In some places a man is not allowed to become a candidate, his name is not even permitted to go before the party convention, until he pays an assessment to help defray the party ex-

[1] See Lalor, I, 152.

penses.[1] This practice promotes the candidacy of rich men, for it is only they who can stand the assessments, while the community is deprived of the services of abler men of only moderate means.

(7) Keepers of gambling-houses, saloons, disreputable resorts, and others who desire police protection in the violation of municipal ordinances and State laws, constitute in some parts of the country an important source of campaign funds, especially in municipal and State campaigns.

(8) Contractors hoping to obtain large contracts for State, county, or municipal work, by means of which large fortunes are sometimes made, often contribute generously to the party fund, hoping thereby to insure the election of friends who will be in a position to award them the contracts desired.

Assessment of office-holders

(9) A very important source of campaign funds takes the form of assessments levied upon all the office-holders of the party. Until the enactment of the Federal civil service act in 1883, Federal office-holders had for many years been more or less openly assessed for campaign purposes. This act, however, largely put an end to the practice by prohibiting any Federal officer or employee from soliciting or receiving, directly or indirectly, any political contribution or assessment from any Federal officer or employee. Payment of any such contribution by an officer or employee to another is also prohibited, as is the solicitation or receiving of political contributions or assessments in any room or building used for official purposes by the Federal Government, or on any

[1] Woodburn, 400–401.

other Federal premises. Although prohibited and practically eradicated in the case of Federal office-holders, the practice of levying political assessments upon State and local officials prevails in practically all States which have not adopted stringent civil service acts, and is probably seen at its worst in the large cities. Even in cities having civil service acts covering municipal offices, the acts are often violated or evaded, office-holders being virtually subject to assessments in the form of a request from party managers for a "voluntary" contribution to the campaign fund. Failure thus to contribute "voluntarily" is usually followed by failure to secure a renomination or is punished in some other way equally effective.[1]

***Evils* of political assessments**

Some of the more *conspicuous evils* connected with the practice of assessing office-holders for party purposes should be noted in this connection. Where the practice prevails there is a tendency to cause public office to be regarded as a party resource, a reward for party services, and not as a *public trust*. It promotes the candidacy of the venal and corrupt. "The corrupt politician who submits to the extortion of party assessments does so with the fixed purpose of recovering the money by corrupt means or using his place for corrupt ends after he is elected. This is a part of the calculation of the corrupt candidate. There will be city jobbery, connivance with criminals, treasury defalcations, fraudulent franchises, for in some way the heavy assessments must be recovered. . . .

[1] See Philadelphia *Public Ledger*, October 31, 1911, for an account of the assessment of municipal office-holders in Philadelphia.

The system tends directly to political temptation and the ruin of character. The man who stays in politics and submits to these exactions suffers severely in moral tone, unless he is a notable exception to the rest of mankind. On the other hand, the public-spirited, the conscientious, the upright, who object to corrupt methods, cannot afford to stand for public office. No practice tends more directly toward the debasement of our political morals and degeneracy in the character of the public service." [1] The political assessment of office-holders who receive their salary from the public treasury is in effect making the public help pay the election expenses of the party in power, and this without the sanction of law. Some advanced political reformers have advocated that all legitimate expenses connected with a political campaign should be paid by the State, and there is much to be said in favor of the proposal. Until, however, this has been definitely sanctioned by law, party expenses should be paid exclusively from the party treasury and not directly or indirectly from the public treasury.

Party expenditures may be divided into those made for *legitimate* purposes and those made for *illegitimate* purposes. Although it is impossible to ascertain with complete accuracy the total amount of money spent in any important campaign to influence the result of the election, it can safely be asserted that the amount spent for illegitimate purposes falls far short, even in a Presidential campaign, of the amount expended in ways perfectly legitimate.

[1] Woodburn, 400–401.

Legitimate expenditures

It is impossible to enumerate all the purposes or objects for which money may be legitimately expended, but some of the more obvious and important may be indicated. In recent national campaigns two sets of headquarters, each with a staff of clerks and stenographers, have been maintained for several months in Chicago and New York by both the Republican and Democratic parties, at an estimated cost of about $3,000 a day. In addition to this there are heavy expenses connected with the maintenance of State and local headquarters. The hire of halls for conventions and mass-meetings is another important item. In some years in New York County eighty different political conventions have had to be provided with a place of meeting, not to mention their incidental expenses. For a single mass-meeting in New York City the expense of hall hire, music, and decorations has amounted to $3,000; while the expense connected with a great meeting in the Madison Square Garden at which Mr. Taft and Governor Hughes spoke in 1908 footed up about $10,000.[1] Special trains and automobiles have to be hired at great cost for the transportation of the leading candidates and speakers. The expenses of campaign speakers have to be met, and sometimes they are also paid a salary of $100 a week, and in very exceptional cases $100 a night. New York and other cities have been known to have torchlight processions the equipment and arrangements for which have cost as high as $12,000.[2]

[1] Herbert Parsons, in *Outlook*, XCVI, 351 (1910).

[2] Edward Lissner, in *Harper's Weekly*, XLVIII, pt. 2, p. 1314 (1904).

The amount expended on printing is enormous. The printing of one speech for distribution has cost $5,000, and there have been campaigns when twenty such speeches have been printed and distributed. Then there is the printing of other campaign documents, the preparation of "plate" and "patent inside" matter for newspapers, tickets for caucuses and conventions; and in a few States the primary ballots have to be printed at the expense of each party. Large sums are also required for cartoons, lithographs, posters, badges, banners, flags, and advertisements in the newspapers. For the last item, $28,500 was expended in a recent campaign in New York County alone. It has been estimated that the printing bill of the Republican national committee in the campaign of 1900 was not less than $200,000, and this does not include the sums expended by State and local committees.[1]

Legitimate campaign expenses in New York City

In large cities like New York, where the leading parties maintain open headquarters and employ a staff of officials the year round, there is need of a permanent campaign fund, and the amount required for perfectly legitimate purposes is very large. Some idea of these expenses in a large city may be gathered from a list of the most important items of expense which have to be met by the Republican county com-

[1] In the Presidential campaign of 1916, the Republican national committee created an "economy and efficiency bureau" in connection with the Chicago headquarters, to analyze appropriations for each campaign committee and the expenditures actually made; the purpose being to forestall all possible criticism that money contributed to the campaign had been spent in ill-considered and resultless projects.

mittee of New York County.[1] In every election district in the city there is a headquarters club open during the entire year, the expenses of which are in part met by the membership dues, entertainments, and chowder parties, the balance being defrayed from the treasury of the county committee. An effective campaign in a Republican district costs, including the expenses of headquarters of local candidates, about $4,000. The maintenance of county headquarters, open throughout the year,[2] costs over $14,000—rent, $2,000; secretary's salary, $3,500; stenographer and clerk hire, $4,000; printing and stationery, $3,000; postage, telegraph and telephone, and miscellaneous, $1,500. It is exceedingly important to get the full party vote registered prior to the day of election, and to do this effectively workers are needed and must be paid. This costs, in a Presidential campaign, about $13,500. A corps of paid speakers is employed during a campaign. The amount paid for speakers in a Presidential campaign and the expenses connected with meetings do not fall far short of $20,000. Stenographic reports of speeches furnished to the press cost $1,500 in 1908. In that campaign the county committee established three noonday tent meetings, at a cost of $15,000. In guarding against fraudulent registration and voting, $27,000 is easily spent. For use on election day in getting out the vote, usually about $40,000, or $40 to each election district—not

[1] The description which follows is a condensation of Herbert Parsons's article, "Why a Political Party Needs Money," in *Outlook*, XCVI, 351 (1910).

[2] For the explanation of the necessity of such a permanent staff, see Parsons, *op. cit.*

an excessive sum—is required. Altogether and including the printing of the primary ballots and a variety of other expenses, fully $200,000 is needed to carry on a vigorous and effective campaign by the Republican county committee of New York County alone, while $100,000 additional could be spent legitimately for a personal canvass of the county prior to election.

***Illegitimate* expenditures**

Of the *illegitimate* expenditures connected with political campaigns no more complete list can be given than in the case of the legitimate expenses. Both are limited, in the absence of restrictive statutes, only by the size of the fund available and the ingenuity and scruples of the party managers. The principal illegitimate use of money in a campaign takes the form of bribery of voters. This may be accomplished directly by the payment of money, or other valuable consideration, to a voter, in return for which he votes the party ticket favored by the bribe-giver; or indirectly by paying the voter to stay away from the polls.

Bribery most frequent in large cities

The extent to which bribery figures in any campaign depends largely upon the locality, being found most extensively practised, as a rule, in "close" districts and the city wards. "Careful investigators and practical politicians agree in placing the corruptible vote of the country at two per cent of the whole"; or rather that it would be necessary to corrupt only two per cent to swing a general election.[1] Localities are not uncommon where from ten to thirty-five per cent of the voters are purchasable. Some

[1] P. McArthur, in *Forum*, XLVII, 30 (1912).

years ago in a township in Indiana having about two hundred voters, all were found to be more or less purchasable. In one township in eastern New York with about four hundred voters there were only thirty who could not be purchased.[1] In New York City it has been estimated that the number of venal voters is in excess of 170,000—men who expect to be paid for their votes in one form or another, chiefly in cash.[2] An investigation into venal voting in the State of Connecticut made in the early nineties brought out the fact that in a voting population of 166,000 from 17,000 to 25,000 were liable to be bought and sold at every election. This same investigation and recent revelations of political corruption in Adams County, Ohio, and Vermilion County, Illinois, prove conclusively that vote-buying politicians and purchasable voters are not confined to large cities or to any one racial stock, and that, contrary to a widely prevalent opinion, foreign immigrants are not the worst offenders. Of the venal voters in Adams County, Ohio, the large majority were of native American stock, living in rural communities; while in the districts investigated in Connecticut, 556 in every thousand were of American stock, 173 were Irish of the second generation, 136 Irish-born, 28 were Germans of the second generation, and 53 were native Germans.[3] In many localities little money goes to the voters directly, but is paid to men of influence to use on or just before the day of election in "treat-

Some of the most flagrant instances found in rural districts

[1] J. W. Jenks, in *Century*, XLIV, 940 (1892).
[2] J. G. Speed, in *Harper's Weekly*, XLIX, pt. 1, pp. 386 ff.
[3] J. J. McCook, in *Forum*, XIV, 1, 159 (1892).

ing" the voters with cigars, drinks, etc. Sometimes efforts are made to get the voters of the opposite party so intoxicated that they will be unable to go to the polls.

Money spent in "colonization" or bringing in "floaters" or voters from other districts constitutes another illegitimate expenditure and is extensively practised in large cities with a strong foreign element. Considerable sums are also expended to pay the expenses of students at colleges and universities, and others, incurred in returning to their homes in order to vote. Some regard this as a mild form of indirect bribery, since it is expected that the student will vote for the party which pays for his transportation. On the other hand, some regard the custom merely as a part of the legitimate expenses of "getting out the vote" on election day. A number of other expenditures may be regarded as at least of doubtful legitimacy.[1]

***Remedial legislation* affecting party finance**

Increased knowledge on the part of the general public of the sources and magnitude of campaign funds, especially in national and State elections, and of the nature and extent of the illegitimate purposes to which such funds have been applied, has produced a universal demand for *remedial legislation*. Such

[1] For a graphic description of the way in which candidates are often "bled" for various purposes incidental to a political campaign, especially when the candidate is a wealthy man, one who is willing to "loosen up" or "tap his barrel" in order to win, see W. J. Desmond, in *The Municipality* (Milwaukee), November, 1910, p. 56. This description also illustrates the way in which the small and perfectly legitimate expenditures by worthy candidates often lead step by step to expenditures for objects of doubtful legitimacy and finally for purposes which are positively corrupt.

legislation falls into four main classes: corrupt practices acts, laws which restrict the sources of campaign funds, laws which restrict or define legitimate expenditures, and laws which require publicity of campaign contributions or expenditures, or both.

(1) Corrupt practices acts

(1) Corrupt practices acts are statutes enacted to prevent the infraction of the election laws and to prohibit practices which injuriously affect the elective franchise. The subjects dealt with in such statutes vary greatly in the several States, and they usually cover a number of practices not directly related to the use of money in campaigns. Among the more important things included, the following may be noted:[1] bribery; treating, which sometimes covers the giving of cigars and tobacco; betting by a candidate on any pending election, or furnishing money therefor; seeking a nomination for a venal consideration or motive, and not in good faith; soliciting or begging from candidates contributions to any so-called public benefit scheme, charitable, religious, or otherwise; the payment of naturalization fees or poll-taxes by others than the persons directly concerned; and requiring political committees and candidates to appoint and maintain a treasurer or an agent who shall receive and disburse *all* money used in a campaign.

[1] Most of these offenses are included in the advanced Oregon statute adopted in 1908. See *Am. Pol. Sci. Rev.*, III, 51 (1909). Other matters dealt with in corrupt practices acts are: (1) fraudulent registration and tampering with the registration lists; (2) "repeating," or personating a voter, and "stuffing" ballot-boxes; (3) using undue influence upon voters, including (in Oregon) threats of even a "spiritual injury." Laws restricting the sources of campaign funds and their expenditure, together with publicity laws, are often indiscriminately treated as corrupt practices acts.

Newspapers and magazines are now commonly required by law to label all paid articles of a political nature as "Paid Advertisements" or "Political Advertisements." Minnesota, following the example of Wisconsin, went much further in 1912, and provided that before publishing any such advertisement or editorial a newspaper or magazine must file with the secretary of state a sworn statement giving the name of the owner or, in case of corporations, the stockholders of the publication. Any *candidate* owning a paper or periodical, or owning an interest in one, must file a statement with the county auditor specifying the nature of his interest or control before campaign articles or political advertisements can be inserted therein. Publishers are also not permitted to solicit payment from candidates for printing articles in their behalf, nor may any person offer to pay a publisher for space except for advertisements labelled as required by law. All campaign literature, indeed, must bear the name of the author.[1]

(2) Closely related to corrupt practices acts are *laws which restrict the sources of campaign funds.* Contributions by corporations were first prohibited in 1897 in the statutes of Tennessee, Florida, and Nebraska; and at the present time a large number of States have similar prohibitions. Congress, in 1907, passed an act prohibiting contributions by any corporation to any campaign in connection with the election of President, Vice-President, representatives and senators, and further prohibiting national banks[2] and

(2) Federal and State laws restricting the sources of party revenue

[1] Professor W. A. Schaper, in *Am. Pol. Sci. Rev.*, VII, 92 (1913).

[2] On the contributions by banks in the campaign of 1896, see Woodburn (1914), 409, n. 2.

other Federal corporations from contributing to any campaign whatsoever.[1] Other laws place a limitation upon the amount which may be solicited from candidates or prohibit the solicitation of candidates for contributions except by duly authorized party officials. State and Federal laws have been enacted to prohibit the assessment of public officers and government employees.[2] Wisconsin, and perhaps a few other States, have laws prohibiting contributions by non-residents of a legislative district to aid in the nomination or election of any person to the legislature. This was designed to check the contributions of aspirants for the United States Senate.[3]

e. g., Colorado

In Colorado an act was passed in 1909 which declared that "the expenses of conducting campaigns to elect State, district, and county officers at general elections shall be paid only by the State and the candidates." Contributions by other persons or by corporations was made a felony. Candidates were permitted to contribute only a certain percentage of the salary or fees connected with the office sought, and the State contributed to each political party twenty-five cents for every vote cast at the last preceding election for its candidate for governor. The State treasurer paid the entire amount due each party to its State chairman, who was placed under bonds to distribute one-half among the various county chairmen, according to the party vote in their respective

[1] Margaret A. Schaffner, *Corrupt Practices at Elections*, 31; Perry Belmont, in *No. Am. Rev.*, CLXXX, 166 (1905); *United States Statutes at Large*, XXXIV, 864, approved, January 26, 1907.

[2] See chapter XV.

[3] This is also found in the Federal act of 1911.

counties.[1] Unfortunately, this interesting innovation met an early death, being held to be unconstitutional by one of the State courts in 1911. In December, 1907, President Roosevelt, in his annual message to Congress, advocated partial payment of campaign expenses by the Federal Government when he said: "The need for collecting large campaign funds would vanish if Congress provided an appropriation for the proper and legitimate expenses of each of the great national parties, an appropriation ample enough to meet the necessity for thorough organization and machinery which requires a large expenditure of money. Then the stipulation should be made that no party receiving campaign funds from the Treasury should accept more than a fixed amount from any individual subscriber or donor; and the necessary publicity for receipts and expenditures could without difficulty be provided."

(3) Laws prohibiting or limiting expenditures, (*a*) indirectly, as in Pennsylvania; or (*b*) directly, as in Oregon

(3) There are numerous *laws prohibiting or limiting certain expenditures*. This is frequently done by defining what are to be regarded as legitimate expenses, leaving the amount which may thus be expended unrestricted. The enumeration contained in the Pennsylvania statute[2] may be taken as fairly typical: printing and travelling expenses, and personal expenses incidental thereto; stationery, advertising, postage, expressage, freight, telegraph, telephone, and public messenger services; expense incurred in the dissemination of information to the public; for political meetings, demonstrations, and conventions, and for the payment and transportation of speakers; for

[1] L. E. Aylsworth, in *Am. Pol. Sci. Rev.*, III, 382 (1909).
[2] Act of 1906.

the rent, maintenance, and furnishing of offices; for the payment of clerks, typewriters, stenographers, janitors, and messengers, actually employed; for the employment of watchers at primary meetings and elections; for the transportation of voters to and from the polls; for legal expenses, bona fide incurred, in connection with any nomination or election.

Some laws limit the number of workers at the polls on election day and the number of conveyances which may be used to get voters to the polls. Other laws restrict the amounts which may be expended for bands, torches, badges, etc. In some States the expenditures of candidates for State and local offices are restricted to a certain stated percentage of the salary attached to the office sought or to the number of voters in the district affected. In Oregon, for example, by the act of 1908, no candidate is allowed to spend in his campaign for nomination more than fifteen per cent of the first year's salary, nor, if nominated, more than ten per cent additional in the campaign for election; but any candidate is permitted to spend at least $100, regardless of the salary of the office sought.[1] The maximum expenditures are fixed in the Minnesota act of 1912 at $7,000 in the case of a candidate for governor, $3,500 for other State officers, $600 for State senators, $500 for representatives, and, in the case of local officers, one-third of the first year's salary.[2] In California the amount of permissible expenditure is based upon the number of votes cast at a preceding election.

[1] Jonathan Bourne, Jr., in *Outlook*, XCVI, 321 (1910).
[2] Professor W. A. Schaper, in *Am. Pol. Sci. Rev.*, VII, 91–92 (1913).

Act of Congress of August 19, 1911

An act of Congress approved August 19, 1911, contains clauses restricting the amount which candidates for senators and representatives may spend. Under no circumstances may a candidate for representative expend more than $5,000 for his nomination and election; and no candidate for senator may expend more than $10,000, exclusive of personal expenses for travel and subsistence, stationery and postage, writing or printing (except in newspapers), and distributing letters, circulars, and posters, and telegraph and telephone services. This law does not, however, restrict the amount which may be expended on behalf of a candidate by others or which may be contributed to the funds of a party.

(4) Laws requiring publicity of campaign contributions and expenditures

(4) Experience having shown that laws limiting the sources of campaign funds, and restricting or prohibiting certain expenditures, were ineffectual, a demand arose a few years ago for the enactment of so-called *publicity laws*, designed to throw open to public scrutiny the sources of campaign contributions and the objects for which they are expended. Publicity statutes are of two kinds: those requiring publicity for campaign contributions and those requiring publicity for campaign expenditures. About twenty States now have publicity laws applicable to both contributions and expenditures, and the two forms of publicity laws may be considered together.

The statutes which require publicity of *contributions* are aimed primarily to check the secret political contributions of rich individuals or corporations made with the expectation of receiving in return special favors of some kind. The nature and magnitude of

such contributions were brought home to the public during the progress of the congressional investigation of the sugar trust in the early nineties, and even more forcibly during the investigation of the great life-insurance companies in New York in 1905.

Publicity statutes enacted by the several States, of course, have no direct effect upon the contributions and expenditures made in connection with a Presidential or congressional campaign. In the absence of an act of Congress, a million dollars might be spent during such a campaign in a single State having a most stringent publicity law, yet the committees responsible for that expenditure could not be made to render any public accounting under the State law. Out of this situation arose the National Publicity Bill Organization, in November, 1905, for the purpose of educating public opinion and securing the enactment, by Congress, of a statute which should require publicity of campaign contributions and expenditures in connection with all Federal elections. This movement, "unlike almost all other reform movements, has had its origin among politicians. . . . Those who have contributed to campaign funds, who have been closely identified with the most important corporate and political activities, are among the most ardent advocates of the measure tending to restrain such contributions, especially on the part of corporations." [1]

The work done by this organization hastened the enactment of the Federal law of 1907 prohibiting contributions by corporations. The achievement of the

[1] Perry Belmont, in *No. Am. Rev.*, CLXXX, 167 (1905).

Publicity in the Presidential campaign of 1908

full purpose of the organization was in part anticipated and in part promoted by the action of both great parties in the Presidential campaign of 1908. In that campaign the Democratic candidate for the Presidency and the managers of the Democratic national campaign voluntarily announced that the receipt of campaign subscriptions would be promptly published; that small sums would be solicited from individuals; that no sum over $10,000 would be accepted from any single individual; and that no contributions would be accepted from corporations. Accordingly, on the 13th of October, 1908, the Democratic national committee published a list of contributors up to that date; and daily thereafter until the election published similar lists. Not to be outdone by this display of political virtue, the Republican national committee publicly announced that it would conduct the financial side of its campaign in strict conformity to the provisions of the stringent New York State corrupt practices act, and that it would publish not only a list of contributors but would also make public a list of its expenditures. Thereupon the Democratic national committee announced its intention of being governed in its financial transactions by the same statute.[1] As a result of this keen and unusual competition in political virtue the campaign funds of 1908 were tainted by contributions from rich individuals and corporations seeking special favors in a far less degree than for many years.[2]

[1] Josephus Daniels, in *Rev. of Rev.*, XXXVIII, 430 (1908); *Outlook*, XCV, 8 (1910).

[2] See R. C. Brooks, *Corruption in American Politics and Life*, 233 ff. (1910).

Federal publicity acts of 1910 and 1911 cover Presidential campaigns

Largely as a result of the activity of this publicity organization and the increasingly strong sentiment favoring publicity in connection with Federal elections, Congress in 1910 passed an act[1] requiring the fullest publicity for both contributions and expenditures made in connection with the *election* of members of the House of Representatives. This law was soon followed by the passage of an act[2] in 1911 providing for the fullest publicity of contributions and expenditures made by or on behalf of all candidates for the offices of representative and senator in Congress in connection with their *nomination as well as election.* These acts have been so construed as to require publicity for contributions and expenditures in Presidential campaigns. They command campaign committees to keep accurate accounts of receipts and expenditures; and a sworn detailed statement of contributions received, with contributors' names and the objects for which the money was spent, must be filed with the clerk of the House of Representatives fifteen days before the day of election and every sixth day thereafter. Thirty days after the election a final statement must be filed. These statements are open for inspection and publication.[3]

Results of publicity

The beneficial effects of this movement for campaign publicity are thus summarized by the foremost champion of publicity for Federal elections: "The purchase by secret campaign contributions of important Federal offices, at home and abroad, has been rendered more difficult, and a way of stopping it al-

[1] Approved, June 25, 1910. [2] Approved, August 19, 1911.
[3] *Century*, LXXXV, 152 (1912).

together has been provided. A check has been put upon the large secret contributions of corporations and individuals, with the understanding that political debts are thus incurred by party organizations. Stockholders and policyholders no longer helplessly witness the expenditure of corporate funds for political purposes. Corporations and candidates are protected against exactions that were constantly increasing. The enormous and unnecessary campaign expenditures in recent years, affording opportunity and encouragement to corruption, have been materially diminished. It is now the accepted opinion that a contribution to a political committee has no right to secrecy. The false conception that in respect to political contributions the individual has the right to use his money as he sees fit no longer exists in disregard of long-established restrictions upon the use of money in elections. It is now admitted that campaign-fund publicity is not an unnecessary interference with alleged individual rights, and that publicity is essential to determine the propriety of motives prompting political contributions." [1]

QUESTIONS AND TOPICS

1. Some of the ways in which money has been used improperly in elections other than those mentioned in the text. (See Jenks.)
2. Vote-buying in New York City and State. (See Speed.)
3. Vote-buying in New Jersey. (See Speed.)
4. Vote-buying in doubtful States. (See Speed.)
5. The extent and character of political corruption in Adams County, Ohio, and Vermilion County, Illinois.

[1] Perry Belmont, in *No. Am. Rev.*, CLXXXIX, 35 ff. (1909).

6. Recent violations of the United States civil service act in the matter of political assessment of office-holders. (See recent *Reports* of the United States Civil Service Commission.)

7. What laws exist in your own State respecting campaign funds, including assessment of office-holders? How are they enforced or evaded?

8. Campaign contributions by the sugar trust and the New York life-insurance companies. (See *Senate Reports*, 2d session, 53d Congress, X, 351 ff.; and New York Legislative Insurance Investigation Committee *Report*, VII, 300; see also the index, p. 555.

9. The debate in the Republican national convention of 1908 over the attempt to insert a publicity plank in the platform. (See *Report* of the convention.)

10. The work of the New York State Publicity Law Organization and the National Publicity Law Organization. (See Belmont.)

11. The actual operation of the Oregon and Minnesota method of restricting campaign expenditures. (See Bourne.)

12. Political corruption in England. (See Lowell, I, Porritt.)

13. Political corruption in Canada. (See Fyfe.)

14. The English law governing corrupt practices in elections. (See Henry, Lowell, I.)

15. The political activity of the Second Bank of the United States in the time of President Jackson. (See Catterall's *Second Bank of the United States*, and the general histories.)

16. Should the publication of campaign contributions and expenditures take place before or after the election? (See Brooks.)

17. What are the legal agencies for the repression of political corruption, especially bribery, and the obstacles encountered? (See McGovern.)

18. What arguments can be advanced for and against the payment of national campaign expenses by the Federal Government, as recommended by President Roosevelt? (See Brooks, Mackaye.)

19. Is it a mistake to penalize both the bribe-giver and the bribe-taker? How do "immunity" laws materially assist in exposing and punishing bribery at the polls and in legislative bodies? (See McGovern.)

20. The details of the Federal publicity act of 1911. (See *Statutes of the United States*, 1st session, 62d Congress, 25.)

21. What matters are covered by the corrupt practices acts of your own State? How might those acts be strengthened?

22. The Penrose-Roosevelt-Archbold controversy over campaign contributions by the Standard Oil Company and the resulting Senate investigation (1912) of campaign contributions.

23. Summarize the findings of the Senate committee on privileges and elections which investigated expenditures in connection with the election of Senator Stephenson, of Wisconsin.

24. Make a list of the important contributors to the Democratic campaign fund in 1912 who were afterward appointed to important Federal offices by President Wilson.

25. Summarize the record of contributions and expenditures in connection with the Pennsylvania Senatorial campaign of 1914. (See Philadelphia *Public Ledger*, December 4, 1914.)

26. Senatorial investigation of the campaign fund and expenditures for the re-election of Senator Penrose in Pennsylvania in 1914. (See Philadelphia *Public Ledger*, January 7, 1915.)

27. The Terre Haute and Indianapolis election frauds and trials, 1914–15. (See Stimson.)

BIBLIOGRAPHY

Abbott, E. H., "Mr. Roosevelt and the Senate Committee," in *Outlook*, CII, 296 (1912). On campaign contributions, 1904 and 1908.

American Year Book, *1910*, pp. 150–151, "Corrupt Practices Acts; *ibid*, *1911*, pp. 62–64, "Political Corruption"; *ibid*, 188–191, "Publicity of Campaign Funds."

Aylsworth, L. E., "Campaign Expenses a Public Charge," in *Am. Pol. Sci. Rev.*, III, 382 (1909). Summary of the Colorado law.

Baldwin, S. E., "State Assumption of Nomination and Election Expenses," in *Yale Law Journal*, XXIII, 158 (1913).

Beard, C. A., *Readings in American Government and Politics*, ch. 30, quoting *Senate Report* on the sugar trust.

Belmont, Perry, "Publicity of Election Expenditures," in *No. Am. Rev.*, CLXXX, 166 (1905).

——"Progress of Campaign Fund Publicity," in *No. Am. Rev.*, CLXXXIX, 35 (1909).

Blair, A. Z., "Seventeen Hundred Rural Vote-Sellers," in *McClure's*, XXXVIII, 28 (1911). On conditions in Adams County, Ohio.

Bliss, W. D. P. (editor), *New Encyclopedia of Social Reform*, article "Corruption."

Bolce, H., "The Legitimate Use of Campaign Funds," in *Appleton's*, November, 1908.

Bourne, Jonathan, Jr., "Popular Government in Oregon," in *Outlook*, XCVI, 321 (1910).

Brooks, R. C., *Corruption in American Politics and Life* (1910), ch. 6. Admirable discussion of party finance, including publicity laws.

Bryce, James, *The American Commonwealth*, II, chs. 63, 66 (4th edition).

Carr, J. F., "Campaign Funds and Campaign Scandals," in *Outlook*, LXXXI, 549 (1905).

Century, LXXXV, 152 (1912), "The New Way of Financing a Campaign."

Cleveland, F. A., *Organized Democracy* (1913), ch. 18.

Connecticut, *Report of Commission on Corrupt Practices at Elections* (1907).

Creel, George, and Sloane, Gordon, "The Shame of Ohio," in *Cosmopolitan*, LI, 599 (1911).

Desmond, W. J., "Legislation Needed to Check the Corrupt Use of Money in Election Contests," in *The Municipality* (Milwaukee), XXI, 55 (November, 1910).

Eaton, D. B., "Political Assessments," in *No. Am. Rev.*, CXXXV, 197 (1882).

Fox, G. L., "Corrupt Practices and Election Laws in the United States Since 1890," in Am. Pol. Sci. Assn. *Proceedings*, II, 171 (1905).

Fyfe, H. H., "The Pure Politics Campaign in Canada," in the *Nineteenth Century*, LXII, 665 (1907).

Gregory, G. M., *The Corrupt Use of Money in Politics and Laws for Its Prevention* (1893).

Henry, James, "The British Corrupt Practices Act," in *Forum*, XV, 129 (1893).

Holcombe, A. N., *State Government in the United States* (1916), ch. 8.

Jelf, E. A., *The Corrupt and Illegal Practices Prevention Acts, 1883 and 1889* (1905.) English statutes.

Jenks, J. W., "Money in Practical Politics," in *Century*, XLIV, 940 (1892).

Kennan, George, "Holding-Up a State," in *Outlook*, LXXIII, 277, 386, 429 (1903). On Addicks and corruption in Delaware politics.

Lalor, J. J. (editor), *Cyclopædia of Political Science*, I, 152, "Political Assessments."

Library of Congress, *Select List of References on Corrupt Practices in Elections* (1908).

Literary Digest, XLV, 357 (1912), "Campaign Funds in 1904 and 1912." On Penrose-Roosevelt-Archbold controversy.

—— XLV, 452 (1912), "Early Campaign-Fund Publicity."

—— XLV, 603 (1912), "Extracting Campaign Gift Secrets."

—— L, 87 (1915), "Terre Haute's Jailed Government."

—— L, 943 (1915), "Fear of God in Terre Haute."

—— LI, 6 (1915), "In the Indiana Belfry." On Terre Haute indictments.

Lowrie, S. G., "Corrupt Practices at Elections," in *Am. Pol. Sci. Rev.*, V, 236 (1911). On legislation in Indiana, North Dakota, and Wyoming, 1911. *Ibid.*, V, 575. On legislation in Ohio, New Jersey, and New Hampshire.

McArthur, P., "The Science of Political Corruption," in *Forum*, XLVII, 26 (1912).

McCook, J. J., "The Alarming Proportion of Venal Voters," in *Forum*, XIV, 1 (1892).

—— "Venal Voting: Methods and Remedies," in *ibid.*, 159.

McGovern, F. E., "The Legal Repression of Political Corruption," in Am. Pol. Sci. Assn. *Proceedings*, IV, 266 (1907).

McLaughlin and Hart, *Cyclopedia of American Government*, I, 480, "Corrupt Practices Acts"; II, 623, "Party Expenditure"; 624, "Party Finance."

Mackaye, James, "A Substitute for the Campaign Fund," in *Independent*, LXIV, 1142 (1908). On President Roosevelt's suggestion for governmental payment of campaign expenses.

National Publicity Bill Organization *Report*, 8 January, 1907, in *Senate Documents*, 2d session, 59th Congress, IV, No. 195.

New York Legislative Insurance Investigation Committee *Testimony and Report* (1905). See index, VII, 555.

Ogg, F. A., "The Dollars Behind the Ballots," in *The World To-Day*, XV, 946 (1908).

Ostrogorski, M., *Democracy and the Organization of Political Parties*, II, pt. 4, ch. 4, on assessments. See also index, "Finances of Party Organizations."

Outlook, XCVII, 42 (1911), "Bribery as a Local Custom." On conditions in Adams County, Ohio.

—— CI, 987 (1912), "Mr. Penrose's Confession." On Penrose-Roosevelt-Archbold controversy.

—— CII, 65 (1912), "Mr. Roosevelt on Campaign Contributions."

—— CII, 291 (1912), "Campaign Contributions." On Senate investigation, 1912.

—— CIX, 748 (1915), "Terre Haute Bribery Cases."

Parsons, Herbert, "Why a Political Party Needs Money," in *Outlook*, XCVI, 351 (1910).

Porritt, Edward, "Political Corruption in England," in *No. Am. Rev.*, CLXXXIII, 995 (1906).

Price, T. H., and R. Spillane, "Stalking for Nine Million Voters," in *World's Work*, XXXII, 663 (1916). On campaign of 1916.

Review of Reviews, XLVI, 387 (1912), "The Penrose-Archbold Controversy."

Russell, C. E., "At the Throat of the Republic," in *Cosmopolitan*, XLIV, 146 (1907–8).

Schaffner, M. A., *Corrupt Practices at Elections*, Wisconsin Legislative Reference *Bulletin*, No. 3 (1906).

Schaper, W. A., "New Primary and Corrupt Practices Acts in Minnesota," in *Am. Pol. Sci. Rev.*, VII, 87 (1913).

Senate Reports, No. 606, 2d session, 53d Congress, X, 351 ff. On the sugar trust in politics.

Senate Documents, 2d session, 62d Congress, vols. 10–11, No. 312, and

Senate Reports, 2d session, 62d Congress, vol. A, No. 349. For the testimony before and report of the Senate committee on privileges and elections concerning expenditures of Senator Stephenson, of Wisconsin.

—— 3d session, 63d Congress, vol. B, No. 455. Senate investigation of re-election expenditures for the re-election of Senator Penrose in Pennsylvania in 1914.

Shaw, Albert, "The National Lesson from Adams County, Ohio," in *Rev. of Rev.*, XLIII, 171 (1911).

Smyth, Newman, "Political Corruption in Connecticut," in *Outlook*, LXXIX, 690 (1905).

Speed, J. G., "The Purchase of Votes," in *Harper's Weekly*, XLIX, pt. 1, pp. 386 ff. (1906). How votes are bought in New York City, New Jersey, and elsewhere.

Stimson, S. C., "The Terre Haute Election Trial," in *Nat. Mun. Rev.*, V, 38 (1916).

Welsh, Herbert, "Campaign Committees, Publicity as a Cure for Corruption," in *Forum*, XIV, 26 (1892).

Weyl, W. E., "The Democratization of Party Finances," in *Am. Pol. Sci. Rev.*, VII, supplement, 178 (1913).

Woodburn, J. A., *Political Parties and Party Problems* (1914), ch. 19. On party assessments.

World's Work, I, 77 (1896), "The Cost of National Campaigns."

—— XXV, 25 (1912), "Campaign Expenditures."

CHAPTER XII

SUFFRAGE QUALIFICATIONS. "GRANDFATHER" CLAUSES. WOMAN SUFFRAGE

Since control of the government by the carrying of elections is the ultimate aim of a political party, a treatise on practical politics should include at least a brief discussion of a few topics which relate primarily to elections. First in logical order is the topic of the suffrage, or the qualifications prerequisite to participation in elections.

Two conceptions of the suffrage

There are two conceptions of the suffrage. According to one conception, it is viewed as a sort of natural right of man; and it is this conception which is emphasized in practically all American legislation on the subject. According to the other conception, the suffrage is looked upon not as a right but as a privilege. This conception is the one emphasized in the legislation of England and other European countries.[1]

The voting population

In no country are the terms voter and citizen identical in meaning. Women and children in any country would be classed as its citizens, but children are never, and women only rarely, permitted to vote in elections. We often fail to realize how limited the franchise really is, even in the United States, and how large a number fail to exercise the right on election day. Out of a total population of nearly 90,000,000,

[1] See *Cyclo. Am. Govt.*, III, 447.

there were in 1912 almost 27,000,000 males of voting age, and something less than 1,500,000 women of voting age in the woman-suffrage States. To arrive at the number of possible voters, about 4,500,000 should be deducted from these figures on account of the unnaturalized aliens. This would leave not far from 24,000,000 males and females of voting age. Of this number, however, only a few thousand over 15,000,000 actually went to the polls and voted in the Presidential election of 1912.[1] There were thus apparently about 8,000,000 men and women of voting age who remained away from the polls.

Classes of absentee voters

It does not by any means follow that all of these were "stay-at-homes" through sheer indifference. Although the indifferent class is, unfortunately, all too large, it is probably greatly outnumbered by other classes, chief among which the following may be noted: (1) persons disqualified by various State laws, *e. g.*, paupers, convicts in prison, those who have failed to pay their taxes where tax payment is a prerequisite, the illiterate where educational qualifications exist, new arrivals who have not yet fulfilled the residence requirement, the insane and mentally defective; (2) travellers for pleasure, commercial travellers, students away from home, railway and steamship employees and sailors, contractors and workmen employed at a distance from home; (3) negroes in Southern States who are prevented from appearing at the polls by intimidation or by the certainty that

[1] In spite of the unusually exciting campaign in 1912, the total vote for President exceeded that of 1908 by less than 145,000. See R. S. Baker, in *Atlantic Monthly*, CVI, 612 (1910).

their vote will be rejected; (4) persons detained by sickness and physical injuries, by the death of friends and relatives, by unforeseen business developments necessitating absence from home, and by unfavorable weather conditions, as in the case of the aged and infirm.[1]

State, not Federal, laws determine who may become voters

In the United States the determination as to what classes of citizens shall enjoy the right or privilege of voting is left wholly to State law. The only Federal enactment bearing upon the suffrage is the Fifteenth Amendment to the Constitution, which, although erroneously quoted as conferring suffrage, is of merely a negative character, designed to prevent the States, in prescribing their suffrage qualifications, from discriminating against the negro "on account of race, color, or previous condition of servitude." Even the responsibility for determining who may vote for representatives and senators in Congress is thrown back upon the States by the constitutional provision that "the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature."[2] In no country is there what may, with accuracy, be called universal suffrage enjoyed by all citizens.

The usual suffrage qualifications

Every country in Europe and every State in this country prescribes certain qualifications which a person must possess and certain formalities with which a person must comply before he can participate in voting. Thus all States fix an age limit at twenty-one. All but twelve of the States restrict the suffrage

[1] See A. B. Hart, in *Pol. Sci. Quar.*, VII, 307 (1902).
[2] Article I, section 2.

to males. Every State requires a certain preliminary period of residence, varying from three months in Maine to three years in Rhode Island and six Southern States; one year being the most common period. Nearly all the States require voters to be bona-fide citizens of the United States, although ten States permit aliens to vote who have declared their intention to become naturalized citizens. This practice was originally adopted by the newer and sparsely populated Western States as a device to attract European immigrants. The payment of a tax or the possession of property is required in a few States. Payment of a municipal tax is required in South Carolina and a poll-tax in Massachusetts, Florida, and Pennsylvania; while one State, Rhode Island, still retains a property qualification, possession of property of the minimum value of $134 being necessary in order to vote in municipal elections. Compliance with some form of registration laws is a prerequisite in all but seven of the States. These laws require voters to appear in person and register a certain number of days before the election as a check upon corruption, especially in the form of "repeating" and personation. The advantage of such a requirement is that it lessens contests at the polls by giving time before the election in which to settle contested questions as to a man's qualification to vote; and it affords an opportunity to identify him beforehand so as to prevent any attempt to impersonate him.

In some States, when a person has once qualified his name goes permanently upon the voting-list until some affirmative reason is shown for striking it off.

"Personal registration" laws necessary for largest cities, but of doubtful value in smaller cities

This practice has led to serious frauds because names of persons who have removed from the district or who have died have not been expunged, and under their names "floaters" have been voted in large numbers, especially in great cities.[1] In other States, especially in cities, although seldom required in rural districts, a voter must every year present himself in person in order that his name may be duly recorded;[2] and no one can legally vote who does not appear for this "personal registration," as it is called. Some of these personal registration laws require the applicant to give quite detailed information concerning himself, all of which is carefully recorded for purposes of identification. For example, according to the Pennsylvania law[3] applicable to cities of the first, second, and third classes, the voter must give to the registration officers the following information: name in full, occupation, street and number of residence, whether he is a lodger, lessee, or owner; if a lodger or lessee of only a portion of the house, the location or number of the room or floor; the length of residence in the district and State; location of the house from which he last registered; place of birth and production of naturalization papers, if an alien; evidence of the payment of taxes; personal description, color, height, age, and weight; and the voter is required to sign his name in the registration books, if able to write. In New Jersey even more detailed personal information is required.

[1] See C. R. Woodruff, in *Annals*, XVII, 181 (1901).
[2] Except in a very few States which permit registration by mail.
[3] Acts of 1906 and 1911.

While the personal registration system for the largest cities has very obvious merits, there is much difference of opinion as to its merits when applied to cities of from 25,000 to 100,000 population, where, it is claimed, the voters are more likely to know the other voters in their particular election district. It therefore seems like imposing an undue burden upon the voter to require him to register annually. It also seems to be the general opinion that the personal registration system prevents more independent voting, on the whole, than "regular" voting. In other words, the people who do not register are mostly from the class who would vote independently. The party worker sees to it that the men who vote the partisan ticket as a regular thing register as voters. Probably the result of the registration system is to lose some votes which would not be lost under partisan control.

Educational qualifications

Some kind of *an educational test* is now required in almost one-third of the States. In some States this test is merely the proof of ability to read; in others, it is the proof of the ability to read and *understand* and also of the ability to write.[1]

The first educational test was proposed in Connecticut in 1854 and adopted as a constitutional amendment in 1855, during the Know-Nothing agitation against foreign immigration. The amendment provided that every person should "be able to read any article of the Constitution or any section of the statutes of this State before being admitted as an elector." Massachusetts, in 1857, adopted a constitutional

[1] Beard, 455.

amendment requiring ability to read the Constitution in the English language and to write one's name. Over thirty years then passed before the next State, Wyoming, adopted a reading qualification (1889). Maine soon followed (1891) by adopting almost verbatim the Massachusetts amendment of 1857.[1] In 1914 no less than fifteen States had adopted educational qualifications in some form. In recent years the Southern States have been the most active in adopting an educational test. Here it is designed as a check upon negro voting, although illiterate white persons are equally liable to exclusion from voting where the laws are impartially administered. Evidence of ability to "understand" what is read, satisfactory to the registration officers, is sometimes required in these States.[2]

In Southern States they are designed to check negro voting

So much has been written in condemnation or exaggerated criticism of the suffrage qualifications of the Southern States because of the alleged injustice done to the negro, and especially of the so-called "grandfather clauses" in their State constitutions, that they warrant brief consideration at this point. The real "grandfather clauses," basing the right to vote on descent from a voter, have existed only in North Carolina, Louisiana, Georgia, and Oklahoma. In the first three States the clauses have expired by self-limitation. In the case of Louisiana three optional methods of qualifying as voters were provided by the constitution of 1898:[3] First, a person may

The "grandfather" clauses of Southern State constitutions

[1] G. H. Haynes, in *Pol. Sci. Quar.*, XIII, 495 (1898), and *Cycl. Am. Govt.*, III, 445 ff.

[2] *Ibid.* [3] F. G. Caffey, in *Pol. Sci. Quar.*, XX, 63 (1905).

qualify by demonstrating his ability to read and write in making written application for registration in the English language or in his mother tongue, this application to be "entirely written, dated, and signed by him in the presence of the registration officer, or his deputy, without assistance or suggestion from any person or any memorandum whatever except the form of the application" set forth in the constitution. Under the second method, in case a person cannot read or write, he may qualify by proving that he owns and has paid taxes upon property in Louisiana of the value of not less than $300. It is obvious that these two methods of qualifying, *fairly administered*, would exclude not only illiterate and propertyless negroes but would likewise exclude illiterate and propertyless whites. So in order to minimize the effect upon the white voters and at the same time retain the effect upon negroes, there was added another method of qualifying for the suffrage, popularly known as the "grandfather clause." By taking advantage of this, white persons unable to qualify under the first and second methods were excepted from compliance with the conditions quoted above, by the provision, in substance, that no male person who on or before January 1, 1867, had been entitled to vote in the State, and "no son or grandson of any such person," at least twenty-one years of age, should be denied the right to register and vote by reason of his failure to possess the educational or property qualification prescribed in the constitution (provided he satisfied the other registration and residence requirements).[1] The period during which advantage might

Not unjust if fairly administered

[1] G. H. Haynes, *op. cit.*

be taken of this third method of registration was less than one year. Since the expiration of that time, all persons, whether white or black, have been required to comply with one of the two tests first described above. A similar clause in the constitution of North Carolina ceased to operate in 1908. At the present time (1916) no grandfather clause is in operation; all have expired by self-limitation except in Oklahoma, where, in spite of the small proportion of negro voters, the intention was to make it permanent. This intention, however, was defeated by the decision of the United States Supreme Court in 1914, declaring such a clause to be in conflict with the Fifteenth Amendment.[1]

Actual application of the educational tests open to serious criticism

So far as the laws are concerned, nowhere in the South to-day is the negro, as a negro, cut off from the ballot. *Legally*, any negro who can meet the comparatively slight requirements as to education or property, or both, can cast his ballot on a basis of equality with the white man; "legally the negro is essentially the political equal of the white man." [2] Much, if not most, of the Northern criticism of Southern voting qualifications is in reality directed against the methods used in applying the various tests when negroes present themselves for registration. However reasonable these tests may seem in theory, in practice so many difficulties are thrown in the way of the negro voters that only those who have a liberal allowance of patience, persistence, intelligence, and money can succeed in getting into the

[1] Guinn and Beale *vs.* U. S., 238 U. S., 347.
[2] R. S. Baker, *op. cit.*

registration books. This is due chiefly to the fact that in each State the law is so framed as to make everything depend upon the spirit and integrity of the officers in charge of the registration machinery. There is abundant evidence that through undue insistence upon technicalities these registration officers make a regular practice of using their discretionary powers to disfranchise many negroes who undoubtedly possess all the legal qualifications.[1]

Futile invocation of the Fourteenth Amendment

Occasionally an attempt is made to invoke the assistance of the Fourteenth Amendment to the Constitution in the hope of bringing about the repeal of these State laws containing educational qualifications designed to exclude negroes. The Fourteenth Amendment provides that when the right to vote is denied to any of the male inhabitants of a State being twenty-one years of age and citizens of the United States, *and in any way abridged except for participation in rebellion or other crime*, the basis of representation in Congress shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in the State. This amendment was adopted during the Reconstruction period in the expectation that the Southern States would prefer to grant full suffrage rights to the negro rather than have their representation in Congress reduced. It failed, however, to accomplish its original purpose, but the language of the amendment is broad enough to justify the reduction of representation in Congress of all the States in the Union having a property, educational,

[1] See T. J. Jones, in *Outlook*, LXXXVII, 529 (1907).

or tax qualification, for all these qualifications inevitably result in the exclusion of a not inconsiderable number of persons from the franchise. No serious attempt, however, has been made to enforce this amendment even against the Southern States, although the Republican platform has at different times declared for its enforcement.[1] The practical difficulties in the way of ascertaining with any degree of exactness the number of persons who are excluded from voting because of such suffrage qualifications are so great that this part of the Fourteenth Amendment has remained a dead letter.[2]

Arguments for and against educational qualifications

The question whether educational qualifications for the suffrage are desirable and should be adopted by all the States is one which has been debated over and over. One's attitude is likely to be determined by one's conception of the suffrage as a right or a privilege. Those who regard it as a right are inclined to oppose educational qualifications, while those who regard the suffrage as a privilege to be enjoyed only by those who have proved themselves worthy of it will strongly favor educational qualifications and a suffrage restricted in other ways. Perhaps the strongest argument in favor of educational qualifications is based upon the assumption that education is essential to intelligent voting. Participation in government is "no child's play; it calls for a moderate degree of intelligence, with the power to learn at first hand. If matters of the gravest moment are to be left to the decision of the majority, it becomes of the utmost concern that the individuals

[1] For example, in 1908.

[2] See G. H. Haynes, *op. cit.*

who make up that majority shall at least have the possibility of learning for themselves in regard to the questions at issue. . . . Integrity, intelligence, independence of judgment, disinterestedness, a consciousness of the citizen's debt to the State—these are the qualities of a good citizen. It is with the prevalence of these that the future of democracy rests. They may all be present without the ability to read or write . . . yet in such communities as our own the lack of such ability in any man affords strong presumptive evidence that in him some, at least, of these qualities are wanting. The educational qualification emphasizes the fact that the granting of the suffrage should be in recognition of the voter's having reached a certain plane of mental and moral development, rather than of his having merely filled out twenty-one years of existence. The man, be he native or foreign born, who, amid the wealth of opportunity by which he is surrounded in America, is too inert to win for himself the slight intellectual attainments which this test requires, by that very fact proclaims his low and unpatriotic notion of citizenship no less clearly than does the coward who sneaks away to avoid the draft. . . . The State does well to hold its suffrage a thing of worth, to make it a prize to be sought after—a privilege to whch the incapable may not aspire." [1]

Opponents of educational qualifications urge that such restrictions do not accomplish the end sought, namely, improving the character of the voters, but aim simply at illiteracy; and illiteracy, it is urged, is

[1] *Ibid.*

no proof of defective character. Educational qualifications are also opposed on the ground that they deny to orderly, law-abiding, and industrious persons the right to participate in the government which they are compelled to support by taxes.[1]

Progress of woman suffrage

In the United States the progress of woman suffrage has been slow until very recently. In at least twenty-one States women may vote in school or other local elections; in New York, for example, women otherwise qualified may vote in village elections and town meetings on questions involving taxation, if they own property there. In only eleven States, on the other hand, and in the Territory of Alaska, are women permitted to vote for all officers on an exact equality with men: Wyoming (1869), Colorado (1893), Utah (1895), Idaho (1896), Washington (1910), California (1911), Kansas, Arizona, and Oregon (1912), Alaska (1913), Montana and Nevada (1914). The Illinois legislature, in 1913, instead of submitting a constitutional amendment granting full suffrage to women, granted limited suffrage by a statute giving them the right to vote for Presidential electors, and for all State and local officers whose election is not restricted to men by the State constitution. This measure does not grant the right to vote for senator or representative in Congress, nor for members of the legislature, the governor, and judges of the higher courts; but it covers such State officers as trustees of the State university as well as a large number of county and municipal officers.

The movement for the extension of the suffrage

[1] *Ibid.*

to women has now become so well organized that scarcely a session of a legislature passes without some attempt by suffrage organizations to secure the ballot either by statute, as in Illinois, or by amendment to the State constitution. The same period has, however, recorded some severe defeats for the suffrage cause in those States where constitutional amendments have been submitted. In 1912–1913 Michigan twice defeated a suffrage amendment; in 1914 similar amendments were rejected in Ohio, Missouri, North Dakota, South Dakota, and Nebraska; and in 1915 large majorities were rolled up against suffrage in Massachusetts, New York, New Jersey, and Pennsylvania.[1]

Woman suffrage in national politics

Despite these defeats, woman suffrage has ceased to be merely a local issue in the separate States, and has become one of the most widely discussed national political issues. National organizations have been effected both by opponents and advocates of woman suffrage, chief among the latter being the National Council for Women Voters, the congressional committee of the National American Woman Suffrage Association, and the Congressional Union, an independent organization which directs all its activities to the securing of a woman-suffrage amendment to the Federal Constitution.[2]

Conscious of their numerical voting strength in the twelve States[3] where full suffrage exists by State enactment, these organizations feel in a position now to

[1] In 1916 three States, Iowa, South Dakota, and West Virginia, rejected constitutional amendments.

[2] This is commonly known as the "Susan B. Anthony amendment."

[3] Counting Illinois.

demand an amendment to the Federal Constitution for nation-wide woman suffrage for which previously they had merely ventured to petition. Since 1912 this influence has been more and more conspicuously brought to bear upon Congress. As a result, a Senate committee was specially created in 1913 for the consideration of this subject, and reported favorably upon the proposed constitutional amendment; the Democratic House caucus, however, overwhelmingly refused to take action.[1] Again, in March, 1914, a majority of the Senate present and voting on the proposed amendment voted in favor of it, but the necessary two-thirds was lacking. It was not until the following December that the house committee on rules was prevailed upon to report favorably upon the proposed amendment; but this report was rejected by the House by a vote of 174 to 204.[2]

In connection with these congressional transactions certain members of both houses of Congress incurred the wrath of suffrage leaders because of their conspicuous hostility to woman suffrage. In order to prevent, if possible, their re-election, the congressional committee of the National American Woman Suffrage Association issued a public statement in the congressional campaign of 1914 containing the names of nine senators and nine representatives (thirteen of whom were Democrats), who were thus "blacklisted" for defeat at the polls by the friends of suffrage. Subsequently, the Congressional Union decided to

[1] For the politics back of the Senate action, see *No. Am. Rev.*, CXCIX, 366 (1914).

[2] January, 1915. See *American Year Book, 1914*, pp. 60–61.

blacklist the entire Democratic party, on the ground that the party as such had controlled both branches of the Sixty-third Congress, and hence was responsible for the failure to submit the constitutional amendment. Neither of these tactics apparently had much if any direct effect upon the result of the election.

Nothing daunted, these organizations in 1916 concentrated their efforts upon the Progressive, Republican, and Democratic national conventions, in the hope of winning from one or all platform declarations favorable to their scheme for suffrage by Federal enactment. So far as the Republicans and Progressives were concerned the results were on the whole more pleasing to the suffragist organizations than in the case of the Democratic party. Shortly after the conventions adjourned, Mr. Hughes, the Republican nominee, came out unequivocally for woman suffrage by means of an amendment to the Federal Constitution. This declaration, contrasting sharply with President Wilson's attitude, resulted in a formal indorsement of the Republican candidate by the newly formed National Woman's party, followed by a vigorous campaign to enlist women voters in the suffrage States in support of Mr. Hughes.[1]

That woman suffrage in the States where it has been most fully tried has been a success is vigorously asserted by the supporters of the movement to extend the suffrage to women and is denied with equal

[1] See *Literary Digest*, LIII, 444 (1916). Apparently this campaign met with slight success, for ten of the twelve woman-suffrage States were carried by President Wilson in the Presidential election.

vigor by the opponents of the movement. It must be conceded that no revolutionary changes, good or bad, have followed the granting of the full franchise to women. Upon the abstract merits of the question of extending full suffrage rights to women one's attitude will probably be determined by one's conception of the suffrage as a right or as merely a privilege. The writer holds no brief either for or against woman suffrage, but every one must concede that the movement is gaining headway rapidly, and it therefore deserves thoughtful and fair consideration by all students of practical politics.

QUESTIONS AND TOPICS

1. Suffrage qualifications in the American colonies. (See Beard, Bishop, Lalor, III, and McKinley.)

2. History of the disappearance of the property qualification for the suffrage. (See Beard, Lalor, and the general histories of the United States.)

3. The present law governing naturalization and the defects of the old law which have been remedied.

4. The regulations affecting the suffrage in the dependencies of the United States. (See Burch.)

5. Describe in detail the steps which a person must take in order to get his name upon the voting-lists in your own State.

6. The registration law before the New York legislature in 1840 and Governor Seward's veto message. (See Seward's *Autobiography* and other biographies of Seward.)

7. The extent and methods of fraudulent registration in New York City. (See Finch.)

8. Registration frauds in Philadelphia before the personal-registration law of 1906. (See Woodruff.)

9. The actual effect of educational and property qualifications upon the size and character of the negro vote. (See Haynes, Baker, Rose.)

10. With Hart's essay on "The Exercise of the Suffrage" as a guide, estimate from the census reports the number of legal and actual voters in the country as a whole and in your own State, in the Presidential elections of 1912 and 1916, and also the number of probably indifferent voters.

11. State all the arguments you can for and against compulsory voting. (See Hart, Holls.)

12. State all the arguments you can for and against woman suffrage.

13. Collect all the evidence available tending to show that the woman-suffrage movement has been gaining great headway in the United States during the past decade.

14. The woman-suffrage movement in Great Britain during the past decade.

15. Woman suffrage and its operation in New Zealand. (See Kennedy.)

16. Woman suffrage and its operation in Finland.

17. What is "multiple" or "plural" voting in England, and how does it affect the two principal parties? (See Lowell's *The Government of England*.)

18. What are some of the practical difficulties in the way of reducing a State's representation in Congress under the Fourteenth Amendment?

19. The opinion of the United States Supreme Court on the Oklahoma grandfather clause. (See Guinn and Beale *vs.* U. S., 238 U. S., 347.)

20. How are registration boards appointed? What are their functions? What special qualifications are required in New Jersey?

21. Suffrage in the territories and dependencies of the United States.

22. What are the arguments for and against submitting to the women themselves the question whether or not they desire the right to vote?

23. History of the granting of the suffrage to women in Illinois in 1913.

24. Effects of woman suffrage upon political conditions in Chicago. (See Abbott, Eckert.)

25. How many and what elective offices are held by women according to the latest available reports? (See Campbell.)

26. What political and social reforms may fairly be credited to granting the suffrage to women? (See Creel.)

27. Would the adoption of an amendment to the Federal constitution giving suffrage to women complicate the negro problem of the South? (See Weed.)

28. How did the proposed Shafroth-Palmer suffrage amendment to the Constitution differ from the "Susan B. Anthony amendment"?

29. Attitude of President Wilson and Congress toward woman suffrage, 1913–1916. (See *American Year Book*, Seawell.)

30. The National Woman's party in the campaign of 1916. (See *Literary Digest.*)

31. Methods, purposes, and constitution of the Congressional Union for Woman Suffrage.

BIBLIOGRAPHY

Abbott, Lyman, "Women's Rights," in *Outlook*, C, 302 (1912).

Abbott, Edith, "Are Women a Force for Good Government?" in *Nat. Mun. Rev.*, IV, 437 (1915). Analysis of Chicago municipal election in 1915.

Addams, Jane, "Why Women Should Vote," in *Ladies' Home Journal*, XXVII, 21 (1910).

American Year Book, *1913*, p. 70; *1914*, pp. 59–61; *1915*, pp. 83–84; "Woman Suffrage."

Annals of the American Academy, etc., XXXV, Supplement to May number, 1910, Symposium, "The Significance of the Woman Suffrage Movement."

—— LVI, 93 ff. (1914), series of articles on woman suffrage.

Atchison, Rena M., "Federal vs. State Suffrage," in Chicago *Evening Post*, August 31, 1916. Summarizes difficulties in the way of State constitutional amendments.

Baker, Abby S., "The Woman's Party," in *Outlook*, CXIII, 1002 (1916).

Baker, R. S., "Negro Suffrage in a Democracy," in *Atlantic Monthly*, CVI, 612 (1910).

Beard, Mary, and Kelley, Florence, "Why We Must Have An Amendment to the U. S. Constitution," in *Socialist Handbook, Campaign 1916*, pp. 56–58. Summarizes difficulties in obtaining State constitutional amendments.

Belmont, Mrs. O. H. P., "Woman Suffrage as It Looks To-Day," in *Forum*, XLIII, 264 (1910).

Bishop, C. F., *A History of Elections in the American Colonies.*

Blackmar, F. W., "The History of Suffrage," in *Chautauquan*, XXII, 28 (1895).

Blakeslee, G. H., "Woman Suffrage in Finland," in *Outlook*, LXXXVII, 35 (1907).

Bliss, W. D. P. (editor), *New Encyclopedia of Social Reform*, article, "Woman Suffrage."

Bray, W. M., "Do Women Want the Vote? An Answer Based on Fact," in *Atlantic Monthly*, CXVII, 433 (1916).

Bryce, James, *The American Commonwealth*, II, ch. 99 (4th edition), on "Woman Suffrage."

Burch, H. R., "Conditions Affecting the Suffrage in Colonies," in *Annals*, XIX, 408 (1902).

Caffey, F. G., "Suffrage Limitations at the South," in *Pol. Sci. Quar.*, XX, 53 (1905).

Campbell, Jane, "Women in Office," in *Nat. Mun. Rev.*, IV, 211 (1915).

Cleveland, F. A., *Organized Democracy* (1913), chs. 10–12.

Colby, J. F., "Suffrage," in Lalor, III, 822.

Creel, George, "What Have Women Done with the Vote?" in *Century*, LXXXVII, 663 (1914).

Dabney, C. W., "The Illiteracy of the Voting Population of the U. S.," in U. S. Commissioner of Education *Report, 1902*, pp. 789 ff.

Dorr, R. C., "Woman's Battle for the Ballot," in *Broadway Magazine*, July, 1908.

Eckert, F. W., "Effects of Woman's Suffrage on the Political Situation in the City of Chicago," in *Pol. Sci. Quar.*, XXXI, 105 (1916).

Edson, Mrs. C. F., "Actual Operation of Woman's Suffrage in Pacific Coast Cities," in *Nat. Mun. Rev.*, I, 620 (1912).

Encyclopædia Britannica, 11th edition, XXVIII, "Women." On recent developments of the suffrage movement.

Finch, E. R. "The Fight for a Clean Ballot," in *Independent*, LXVIII, 1020 (1910). On the methods of registration and repeating in New York City.

Frieze, Jacob, *A Concise History of the Efforts to Obtain an Extension of the Suffrage in Rhode Island, 1811–1842.* (3d edition, 1912.)

Giddings, F. H., "The Nature and Conduct of Political Majorities," in *Pol. Sci. Quar.*, VII, 116 (1892).

Hamm, W. C., "A Study of Presidential Votes," in *Pol. Sci. Quar.*, XVI, 50 (1901).

Harper, Ida H., "Suffrage—A Right," in *No. Am. Rev.*, CLXXXIII, 484 (1906).

—— "Woman Suffrage Throughout the World," in *No. Am. Rev.*, CLXXXVI, 55 (1907).

—— "Status of Woman Suffrage in the United States," in *No. Am. Rev.*, CLXXXIX, 502 (1909).

—— "The World Movement for Woman Suffrage," in *Rev. of Rev.*, XLIV, 725 (1911).

Hart, A. B., *Practical Essays on American Government*, chapter on "The Exercise of the Suffrage." The same may be found in *Pol. Sci. Quar.*, VII, 307 (1902).

—— "The Realities of Negro Suffrage," in Am. Pol. Sci. Assn. *Proceedings*, II (1905), 149.

Harvey, George, "The Working of Equal Suffrage," in *No. Am. Rev.*, CXCIX, 338 (1914).

Haynes, G. H., "Educational Qualifications for the Suffrage in the United States," in *Pol. Sci. Quar.*, XIII, 495 (1898).

Holcombe, A. N., *State Government in the United States* (1916), ch. 6.

Holls, F. W., "Compulsory Voting," in *Annals*, I, 586 (1891).

Howe, Julia Ward, "Woman and the Suffrage: The Case for Woman Suffrage," in *Outlook*, XCI, 780 (1909).

Jenks, J. W., *Principles of Politics* (1909).

Jones, T. J., "The Power of the Southern Election Registrar," in *Outlook*, LXXXVII, 529 (1907).

Kennedy, Paul, "Where the Women Vote," in *Outlook*, XCV, 117 (1910). Study of New Zealand conditions.

Knobe, Bertha D., "Recent Strides of Woman Suffrage," in *World's Work*, XXII, 14733 (1911).

Knox, J. B., "Reduction of Representation in the South," in *Outlook*, LXXIX, 11, 169 (1905).

Lewis, L., "How Woman Suffrage Works in Colorado," in *Outlook*, LXXXII, 167 (1906).

Library of Congress, *List of Discussions on the 14th and 15th Amendments, with Special Reference to Negro Suffrage* (1906).

Literary Digest, XLVI, 45 (1913), "Features of the Popular Vote," in 1912.

—— LIII, 444 (1916), "Western Women's Drive on Democracy."

—— LIII, 730 (1916), "Feminine Political Strategy."

Literary Digest, LIII, 1315 (1916), "Woman's Hand in the Election" (of 1916).

—— LIV, 6 (1917), "The Final Election Figures" (in 1916).

Lyon, H. S., "What Proportion of Voters Go to the Polls?" in *Yale Rev.*, XVII, 85 (1908).

McCracken, Elizabeth, "Woman Suffrage in Colorado," in *Outlook*, LXXV, 737 (1903).

McIntire, Mary A. J., "Of What Benefit to Women?" quoted in Jones's *Readings*, 236 ff. Against woman suffrage.

McKelway, A. J., "The Suffrage in Georgia," in *Outlook*, LXXXVII, 57, 63 (1907).

McKinley, A. E., *Suffrage Franchise in the Thirteen English Colonies* (1905).

McLaughlin and Hart, *Cyclopedia of American Government*, II, 516, "Negro Suffrage"; III, 8–47, "Presidential Elections" (gives complete statistics); 443, "Suffrage"; 630, "Voters, Registration of"; 631, "Voting, Compulsory"; 694, "Woman Suffrage."

McLeod, S. C., "Women Voters in Canadian Cities," in *Nat. Mun. Rev.*, V, 456 (1916).

McMillan, D. C., *The Elective Franchise in the United States* (1898).

Munro, W. B., *The Government of American Cities* (1912), ch. 5.

Murphy, E. G., *Problems of the Present South* (1904).

National American Woman Suffrage Association, *Fruits of Equal Suffrage* (pamphlet). Effect upon legislation.

O'Neal, Emmet, "The Power of Congress to Reduce Representation," in *No. Am. Rev.*, CLXXXI, 530 (1905).

Orchard, J. E., "Omaha's Personal Registration Laws," in *Nat. Mun. Rev.*, V, 84 (1916).

Ostrogorski, M., *Democracy and the Organization of Political Parties*, II, 298 ff.

Outlook, The, XCVIII, 757 (1911), "Results of Woman's Suffrage" (in Colorado).

Outlook, The, XCV, 853 (1910), "The Grandfather Clause in Oklahoma."

—— CI, 767 (1912), "Shall Women Vote?"

—— CII, 931 (1912), "A Crisis in the Woman's Suffrage Party."

—— CIII, 839 (1913), "Ask Her."

—— CIV, 54 (1913), "Don't Ask Her."

—— CIV, 268 (1913), "A Poll of Women on the Suffrage."

Philadelphia *Public Ledger*, January 3, 1915, "1914: A Thanksgiving Year for the Woman Suffrage Cause."

Phillips, J. B., "Educational Qualifications of Voters," in University of Colorado *Studies*, III (1906).

Rhode Island Legislative Reference Bureau, "General Constitutional and Statutory Provisions Relative to the Suffrage," in *Bulletin* No. 6 (1912).

Robinson, H. P., "What About the Woman's Party?" in *Independent*, LXXXVII, 381 (1916).

Roessing, J. B., "The Equal Suffrage Campaign in Pennsylvania," in *Annals*, LVI, 153 (1914).

Rose, J. C., "Negro Suffrage: The Constitutional Point of View," in *Am. Pol. Sci. Rev.*, I, 17 (1906).

Schouler, James, "Evolution of the American Voter," in *Am. Hist. Rev.*, II, 665 (1896–97).

Seawell, M. E., "Two Suffrage Mistakes," in *No. Am. Rev.*, CXCIX, 366 (1914).

Senate Documents, 1st session, 63d Congress, No. 155, Senate committee report on woman-suffrage amendment to the Constitution, 1913.

Shepard, W. J., "The Theory of the Nature of the Suffrage," in *Am. Pol. Sci. Rev.* (supplement), VII, 106 (1913).

Sherwood, H. F., "The Making of American Sovereigns," in *Outlook*, XCVIII, 287 (1911). On naturalization methods.

Smith, W. H., "Is the Negro Disfranchised?" in *Outlook*, LXXIX, 1047 (1905). A reply to Knox.

Stanton, Elizabeth C., and others, *History of Woman's Suffrage*, 4 vols. (1881–1902).

Sumner, Helen, *Equal Suffrage: The Results of an Investigation in Colorado* (1909). The most thorough and impartial investigation of this subject.

Survey, The, XXXV, 83 (1915), "Votes for Women." Results of a poll of *Survey* subscribers.

Taylor, Graham, "Women's Voting Significantly Tested in Illinois" (in 1914), in *Survey*, XXXII, 69 (1914).

Thorpe, F. N., "A Century's Struggle for the Franchise in America," *Harper's*, XCIV, 207 (1897).

Tucker, H. St. G., *Woman's Suffrage by Constitutional Amendment* (1916).

Tyer, Pearl, "Idaho's Twenty Years of Woman Suffrage," in *Outlook*, CXIV, 35 (1916).

Watkins, Ann, "For the Twenty-two Millions," in *Outlook*, CI, 26 (1912). Against woman suffrage.

Weed, H. H., "White Supremacy in the South Safe under Woman Suffrage," in Philadelphia *Public Ledger*, August 21, 1916.

Weeks, S. B., "The History of Negro Suffrage," in *Pol. Sci. Quar.*, IX, 671 (1894).

Woodruff, C. R., "Election Methods and Reforms in Philadelphia," in *Annals*, XVII, 181 (1901).

Woodville, J. L. W., "Suffrage Limitations in Louisiana," in *Pol. Sci. Quar.*, XXI, 177 (1906). On the proceedings of the constitutional convention of 1898.

CHAPTER XIII

ELECTION LAWS. DIFFERENT TYPES OF BALLOT. THE SHORT BALLOT MOVEMENT. PREFERENTIAL VOTING. ABSENT-VOTERS LAWS

Provisions common to most "election laws"

Every State has a body of statutes usually known collectively as the election laws.[1] In some States these laws are so elaborate and detailed as to make a good-sized book of several hundred pages. Space permits the enumeration here of only the more conspicuous features of these laws, which are as follows:[2]

(1) Certain elective or appointive public officers are placed in charge of the entire election process.

(2) Provision is generally made for bipartisan election boards, consisting of poll and ballot clerks and inspectors or judges of election, in each voting-place.

(3) Authorized "watchers" from each party are permitted to be present at the voting-place in order to secure a fair vote and a fair count.

(4) Each election board is furnished with a standard official tally-sheet and blank records on which to make the returns for each voting-place. All returns must be certified by the officer in charge.

(5) Most laws provide for the special policing of polling-places, require saloons to remain closed on

[1] Laws relating to the conduct of primaries and the making of nominations are usually classed as "election laws."

[2] Beard, 673.

election and primary days, and contain provisions designed to prevent violence, intimidation, and fraud.

(6) There are numerous provisions relating to the ballot, its form, printing, distribution, and secrecy in voting.

(7) The election laws further prescribe, with more or less minuteness, the steps which must be taken in order to have a candidate's name legally appear on the printed ballot, both for the primary and the general election, and indicate the proper procedure where a nomination or an election is contested.

Introduction of Australian ballot

Before 1888 the printing of ballots and their distribution to the voters was left to private initiative. There were a few statutes regulating the size, color, form, etc., chiefly designed to produce uniformity within single States. In actual practice the ballots were printed and distributed by the several party organizations.[1] The lack of secrecy in voting, the facility for bribery, and the numerous opportunities for fraud, as well as the expense of printing, finally led to the adoption of the so-called Australian ballot. The first Australian ballot law in the United States was adopted by the legislature of Kentucky in February, 1888, but it applied only to municipal elections in Louisville. The following year Massachusetts adopted the Australian ballot for all elections, and by the Presidential election of 1892 no less than thirty-five States had adopted it; while by 1910 it had been adopted by all but two States, Georgia and Louisiana.

The principal features of the Australian ballot system are the following:

[1] *Ibid.*, 674.

Main features of Australian ballot system

(1) All ballots are printed under the supervision of public officials, at public expense, and are transmitted by these officials to the different voting-places a certain number of hours before election.

(2) The names of all candidates duly nominated by any political party or independent group are usually printed on a single sheet having an official indorsement on the back, to prevent counterfeiting.[1]

(3) A voter can secure a ballot only from the regular election officials after entering the polling-place on election day, and after having properly complied with all the preliminary registration requirements. Sample ballots, on colored paper, are usually provided in sufficient quantities, so that voters may become familiar with the names on the ballot before entering the voting-place. Such sample ballots are always posted in or near the voting-places and in other public places. In case a voter spoils his ballot he may return it to the election officer, who cancels it, and thereupon gives the voter a new ballot. Usually a voter is limited to three ballots.

(4) *Cards of instruction* containing directions for marking a ballot, and other cards containing the penalties for infraction of the election laws, are often posted not only in and about the voting-places, but conspicuously in other places a certain number of days before the day of election. By an ingenious use of different sizes of type and short, crisp sentences such cards of instruction may be made easily read

[1] In Missouri each party has a separate ballot, and the voter, on entering the polling-place, is given one of each party, returning the ones not used.

INSTRUCTIONS TO VOTERS.

Read these words *CAREFULLY.* Go to the guard rail. A ballot marked *WRONG* is not counted.

GIVE your NAME
and RESIDENCE
to the Ballot Clerk.

WAIT till your name is repeated
by the Ballot Clerk.

GO INSIDE the guard rail.
Get your ballot
from the Ballot Clerk.

DO NOT LEAVE the polling place
NOR go outside the rail
UNTIL YOU HAVE VOTED.

GO TO A BOOTH
not occupied by another person.
Go alone.
Go at once.

MARK your Ballot
WITH A CROSS
IN THE SQUARE
at the TOP
of a list to vote for ALL
the candidates in that list. X

OR WITH A CROSS
IN THE SQUARE
AT THE RIGHT
OF THE NAME
of any one or more candidates,
to vote for one or more. X

OR WITH A CROSS
IN THE SQUARE
at the RIGHT OF THE BLANK LINE.

_____ X
_____

and write the name of your candidate,
to vote for any other person.

ERASE NO NAMES.

Make No Other Marks.

FOLD your Ballot
BEFORE LEAVING THE BOOTH,
WITH THE MARKS INSIDE.

KEEP IT FOLDED till you deliver it;
DO NOT ALLOW YOUR BALLOT
TO BE SEEN.

Give it to Presiding Officer.
Go Outside the Rail.
Do not Enter again.

Do not destroy a ballot.
Do not take away a ballot.
Do not occupy a Booth
over FIVE MINUTES.

If you do not use your ballot,
give it to the
Presiding Officer.

IF YOU SPOIL A BALLOT, give it back to the Ballot Clerk and get another. If you spoil the second, give it back and get a third. You can have no more.

IF YOU DECLARE TO THE Presiding Officer that you cannot mark your ballot by reason of physical or mental disability, and request him, he will direct you to the booth where one of the Assisting Clerks will assist you in marking your ballot.

A HELPFUL CARD OF INSTRUCTION TO VOTERS

825

and understood by voters of average intelligence. In most cases, however, the cards of instruction seem designed not primarily for the guidance of the voter, but merely to comply with the letter of the law.[1]

Secrecy the most important feature

(5) Ballots must be marked in absolute secrecy within the voting-booths with which every voting-place is equipped. Having marked his ballot, the voter is required to fold it so that all the marks shall be concealed, and either to deposit it himself in the ballot-box or hand it to the officer in charge for deposit; this done, the voter is expected to leave the polling-place at once. Australian ballot laws all provide that a voter shall not place any mark upon his ballot by which it may be identified.[2] In New York ballots found to have marks upon them which seem intended for the identification of the voter are excluded from the final count. In New York City, and perhaps other places, the party watchers at the polls are provided with little books describing the various combinations of marks which may and may not be counted, and many cases arise in which determination is a difficult matter.[3] In the ballot proposed by the united reform organizations of New York City it is sought to do away with the great opportunity afforded by the Australian ballot for identification, by reducing the required marking to the mere blackening of a small white circle opposite each name.[4]

(6) Many, if not all, of the Australian ballot laws include provisions whereby voters who declare their

[1] W. B. Shaw, in *Outlook*, LXXXI, 868 (1905).
[2] See C. S. Hartwell, in *Outlook*, LXXV, 656 (1903).
[3] P. L. Aller., in *Pol. Sci. Quar.*, XXI, 38 (1906).
[4] W. B. Shaw, *op. cit.*

inability to mark their ballots themselves may receive assistance. In some States the voter is required to make oath to his inability to read the names on the ballot, or to his physical inability to mark his ballot, before assistance will be permitted, and even then the assistance must be given by one of the duly authorized election officers. Such provisions, properly administered, offer comparatively slight opportunities for fraud or bribery. On the other hand, there are statutes providing for assistance without these safeguards, like the one in operation in Pennsylvania, which reads as follows: "If any voter declares to the judge of election that by reason of any disability he desires assistance in the preparation of his ballot, he shall be permitted by the judge of election to select *a qualified voter of the election district to aid him* in the preparation of his ballot, such preparation being made in the voting-compartment." [1] The opportunity for fraud and bribery thus provided is obvious and has been commented upon in a preceding chapter.[2]

"Assistance" clauses in ballot laws may facilitate bribery

One remedy devised to correct the "assistance evils" is known as the "envelope," ballot, for use in both primary and general elections. The principal features of this system are, first, the preparation, at the public expense and by designated elected or appointed officials, of *separate party ballots*, to be ready for distribution a certain number of days before the primary or election. A specified propor-

As a remedy, the "envelope" ballot has been devised

[1] In the Pennsylvania direct primary election law the assistance clause requires the oath mentioned in the text.

[2] For instances of the flagrant misuse of the assistance clause, see George Kennan, in *Outlook*, LXXIII, 432 (1903); *Nat. Mun. Rev.*, V, 615 (1916).

tion of these ballots for each party is delivered to the judges of election in each district, to be given at the polls to any qualified voter on election day. The remainder of the ballots are delivered before the day of election to the agents of the parties or organizations making nominations. The party agents immediately distribute the ballots to the voters, who are thus enabled to prepare their ballots at home at their leisure. In New Jersey, where this system was in operation until 1912, the ballots were sent to the registered voters through the mails at public expense. Not long ago several thousand ballots so sent were returned for the reason that the addressee could not be located. In this way thousands of false registrations were detected. On the day of election the voter goes to the polling-place and receives a ballot, if he asks for one, and an official envelope in which he encloses and seals a ballot marked as he desires. The envelope containing the ballot is then deposited in the ballot-box. If the voter does not mark his ballot before coming to the voting-place he is permitted to do so there, *but assistance is permitted only for physical disability*. An envelope containing more than one ballot is thrown out, just as a wrongly marked ballot is rejected. In 1912 the New Jersey law was amended so that provision is now made for the mailing of *sample* ballots only to the voters.[1]

This system appears to have some marked advantages, among which the following may be noted:

It simplifies proceedings at the polling-place on the day of election and does away with the present

[1] Delaware adopted the envelope ballot in 1913.

clumsy and confusing "blanket" ballots. It avoids all necessity for assistance at the time of voting, since any assistance desired must be obtained before coming to the polls. To a voter who sincerely desires it the envelope ballot gives the greatest assurance of secrecy and thus tends to encourage independent voting. For, it is contended, "although a briber or a political boss may compel a voter to mark the ticket, which he brings to the latter's home, in the way ordered, that voter, when he goes to the polls, may at the same time have another ballot in his pocket, the one which he procured for himself and which he has marked to suit himself, or may so mark when he is protected by the friendly curtain of the election booth. He very easily can substitute his own ballot while in the security of that retreat for the one forced upon him by his would-be boss, and when he emerges from the booth and asks the election officer for an envelope he can deposit therein the vote he wishes to cast and not the one which the politician has prepared for him." No one, it is contended, can possibly be aware of the voter's action except himself, as after he enters the voting-place assistance is prohibited, and all he has to do is to put his ballot in the envelope, seal and deposit it.

Advantages of "envelope" ballot

On the other hand, objection has been made to the envelope ballot on the ground that, so far from being a remedy for the present "assistance evils," it substantially invites complete assistance and would increase those evils many times over. "Its practical operation," it is urged, "would be that every division worker would put the ballot of his party into the

Objections

hands of every voter who was in any way under his influence, and would make reasonably sure that the voter had no other ballot about him when he entered the voting-booth, and then the voter would presumably not dare to do anything but put that particular ballot into the envelope." Instead of increasing the secrecy surrounding the ballot, it is objected that the envelope system would present great opportunities for the violation of this secrecy, and would open an easy way to bring about bribery of voters and for the identification of any ballot cast by a voter.

Diversities in the ballots of the several States

While nearly all States have the Australian ballot *system*, there is at the present time the greatest diversity in legislation on the subject of *the ballot itself*.

(1) In size and shape there is, perhaps, the greatest variation. In 1904 the voters of Wisconsin were presented with a veritable "blanket" ballot, 35 by 24 inches, while in New York City, in 1909, the ballot was nearly 3 feet 10 inches wide by 14 inches long, and contained from nineteen to twenty-two columns. In Florida the ballot has taken the form of a narrow strip 3½ inches wide by 32½ inches long;[1] while in Nebraska, at the Presidential election of 1912, the ballot measured 8 feet 2 inches by 6 inches. At the first direct primary election in New York City,[2] under the law of 1911, the ballot used by Republican and Democratic voters was 14 feet in length.

(2) Some States permit each party to select some distinctive emblem to appear at the head of the

[1] P. L. Allen, *op. cit.;* J. W. Garner, in Am. Pol. Sci. Assn. *Proceedings*, IV, 164 (1907).

[2] Held March 26, 1912.

column on the official ballot containing the names of the party candidates. This is for the benefit of illiterate voters. There is the greatest variety in the choice of emblems even for the same party in different sections of the country. Perhaps the most common are the eagle for the Republican party and a cock for the Democratic party.[1]

(3) Regarding the means for marking ballots there is also no uniformity, although most States require the use of an ordinary black lead-pencil. Stamps are permitted in four States, ink in West Virginia, and an indelible pencil in Maryland.[2]

(4) As regards the place of marking on the ballot, there is likewise no complete uniformity. In some States marking must be made at the right of the candidate's name, while in others it is permissible to mark at the left of the candidate's name; and in Wisconsin, at least, it is permissible to make the mark *under* the name of the candidate.

Massachusetts and Indiana types of ballot

(5) The arrangement of candidates' names on the ballot has a great influence on the result of the election both as regards the freedom of the voter in making his choice and the accuracy with which he records his choice. Two main types of Australian ballot are to be found in this country. One is called the "Massachusetts" type. Here the names of candidates are grouped under the title of the office sought, and arranged in alphabetical order, with some indication of the party to which each candidate belongs. The voter is required to make a cross *opposite the name of each candidate* for whom he desires to vote. The

[1] See P. L. Allen, *op. cit.* [2] *Ibid.*

other and more common type is known as the "Indiana," or "party-column" type. Here the candidates for each party are grouped together in "party columns" under the appropriate offices, and some provision is made whereby a voter may vote a straight party ticket with the minimum of effort, as, *e. g.*, by putting a single cross in the "party square" or "party circle" at the head of the column. A combination of important features in each type is to be found in some States, notably Pennsylvania and Nebraska.

Variations of the Massachusetts type

Five variations of the Massachusetts type have been noted. (*a*) Names are grouped by offices, but instead of being arranged in alphabetical order they are printed in some *order of parties*, with the party name after the name of each candidate. In some States the names of Republican candidates always stand first, while in others the names of Democratic candidates take precedence. (*b*) The names are not printed in alphabetical order, but those for each office are merely printed in a close group without any ruled line to separate them, with party designations, and *the voter merely strikes out all the names he does not vote for.* (*c*) Names appear in alphabetical order, grouped by offices, *but the party designation of each is omitted.* (*d*) The names are grouped by offices, in alphabetical order, with party designation, but across the top of the ballot is printed: "I hereby vote a straight ——— ticket, except where I have marked opposite the name of some other candidate." *The voter writes in the name of the party he wishes to support in the blank space.* (*e*) The names are grouped by offices, with party designation, *but a space is pro-*

vided somewhere for voting a straight ticket, as in Pennsylvania and Nebraska.

Massachusetts type encourages, party-column type discourages, independent voting

It is impossible to say which type of ballot is best. We know that the straight-ticket circle or square, characteristic of the "party-column" ballot, discourages independent voting, which is another way of saying that it improves the chances of the bad candidates being pulled through by the popularity of the good candidates who may head the party ticket. With reference to *the relative ease of independent voting* with different kinds of ballots, the States may be placed in five groups: To illustrate, let us suppose that at a certain election ten elective positions are to be filled. A and B go to the polls together, A intending to vote for ten Republicans, while B prefers nine Republicans and one Democrat. If they live in Massachusetts, they must each mark the names of their chosen candidates separately, and are on an exact equality, with ten crosses apiece. If they live in Illinois, they each make one mark in the Republican party circle, while B thereafter makes a second mark opposite the chosen Democrat. If they live in Michigan, B, besides his extra mark, simply draws a line through the name of the Republican nominees for the same office. If they live in Indiana, A makes his single mark in the Republican circle, as before, but B is not allowed so to do. He must mark his nine Republicans and one Democrat separately. If they live in Missouri, finally, both A and B select the Republican ballot from a bundle of separate strips handed them at the polls, and B, scratching out one name, writes in that of his Democrat, while A de-

posits his slip unaltered. There are thus some States where B would be put to ten times as much trouble as A; there are other States where B would be put to twice as much trouble as A; there are still other States where A and B would make the same number of marks.[1]

Influence of type of ballot upon independent voting

Just how much influence these differences have on the result of elections it is, of course, impossible to say; but a study of votes in 1904, when State officers as well as President and Vice-President were to be voted for, shows the following results:[2]

(1) Where the marking of each individual candidate is compulsory, as in Massachusetts, the voters exercised the greatest degree of discrimination.

(2) Next came those States[3] in which, while the straight-ticket voters are favored by being allowed to record their choice at a single operation, the "split-ticket" voter is not put to the necessity of marking his candidates one by one.

(3) Of lowest rank as to amount of independent voting were those States[4] which require writing in or pasting of names for split-ticket voting and the marking of every candidate.

(4) No evidence appeared that the alphabetical arrangement of names when grouped by offices had any effect to encourage independence. Nor is there anything to show that the grouping by offices itself is any more favorable to independent voting than the

[1] P. L. Allen, in *Outlook*, LXXXIV, 125 (1906).
[2] *Ibid.*, in *Pol. Sci. Quar.*, XXI, 847 (1906).
[3] For example, New York.
[4] For example, Indiana and Missouri.

party-column plan, provided the rules for marking are the same.[1]

Independent voting increasing

It is important to note in this connection that in recent years there has been a striking growth in the number of those voters who discriminate between the several candidates instead of voting the straight party ticket. The proportion of voters who have made opposite decisions upon State and national issues, preferring a President of one party and a governor of another, was, in 1896, .38 per cent; in 1900, 1.22 per cent; and in 1904, 7.57 per cent; indicating more than six times as many discriminations in 1904 as in 1900 and more than nineteen times as many as in 1896. This was the *general* average; in particular States the record (1904) went far above those figures. Comparing the vote of a party's best-running candidates and the vote of those who made the poorest showing, we find ten States in which the degree of discrimination shown was 10 per cent or over: Minnesota, 31.07 per cent; Washington, 22.63; Montana, 18.38; Michigan, 17.01; Kansas, 16.51; Massachusetts, 15; Nevada, 14.27; Wisconsin, 12.99; Rhode Island, 11.87; Wyoming, 10.34. In all the previous Presidential elections only one instance has been found of more than 10 per cent "ticket-splitting."[2] These facts constitute one of the most encouraging features connected with present-day practical politics. They indicate an increasing disposition on the part of the average voter to exercise his own independent judgment in selecting the candidates for whom he will

[1] P. L. Allen, in *Pol. Sci. Quar.*, XXI, 847 (1906).
[2] *Ibid.*, in *Outlook*, LXXXIV, 124 (1906).

cast his vote, the weakening of party ties, and the increasing reluctance of voters to be whipped into line to vote for all candidates of their party, good, bad, or indifferent. The fact that our elections do not always or for any great length of time go the same way tends to prove that the independent voters hold the balance of power in this country.

Defects in our election system

With perhaps no feature of American governmental organization is more fault being found than with our system of elections. The chief criticisms relate (1) to the frequency of primaries and elections, (2) to the concurrence of local, State, and national elections, (3) to the excessive number of elective officers, (4) to the common rule of electing candidates by plurality instead of majority vote, and (5) to the virtual disfranchisement of absent voters. Each of these defects, together with proposed remedies, will be taken up in turn and discussed briefly.

(1) Frequency of elections

(1) Concerning the frequency of elections, one merely needs to call attention to the fact that we have the election of President every four years, some State officers triennially, other State officers and congressmen biennially, while many county and local officers are elected annually. All of these elections are, of course, preceded by primary or convention days, and registration days in the larger cities. Chicago and Cook County, Illinois, afford striking illustrations of the evil of frequent elections. Nearly every year there are two elections, with a primary for each. Occasionally there is a year in which only one election occurs. Out of every six-year period there are five years in which two elections occur and

only one year with but a single election; while occasionally there is a year in which three elections must be held. In 1916 no less than twenty-three days were given over to activities directly connected with primaries and elections and duties incidental thereto, such as registration.

Not only do these frequently recurring registration, primary, and election days impose a heavy burden upon the taxpayers, but they also render it impossible for the average citizen, necessarily devoting the greater part of his time to his own business affairs, to take and maintain permanently an intelligent interest in the nomination and election of suitable persons to public office. This condition goes far toward explaining the existence, usefulness, and perpetual influence of the professional politician class who devote their entire time to politics and make it their business to assist in making nominations and in electing their candidates.

(2) Concurrence of local, State, and national elections

(2) The election of local, State, and Federal officers on the same day, with their names appearing on the same ballot, as a rule, results in serious confusion of national, State, and local issues, oftentimes to the great detriment and injury of the State and locality. To remedy this, some States have so arranged their elections that the leading State and local officers are chosen in the intervals between Presidential or congressional elections.

In the State of Illinois, however, elections have been so split up as to create a situation almost if not quite as confusing and unsatisfactory as existed when all kinds of officers were elected on the same day,

and much more expensive to the taxpayers. In 1916, for example, there were two separate primary days and three separate election days in Cook County, not to mention the different registration days incidental thereto.

Non-partisan ballots

Much stress has been laid recently upon the adoption of a non-partisan ballot, or ballot without any party designations in connection with the candidates' names, as a means of reducing the evil of national partisanship in State and local elections; and the non-partisan ballot has been widely adopted for the election of judicial officers and municipal authorities, especially in commission-governed cities. In North Dakota the state superintendent of public instruction is likewise elected on a non-partisan ballot, as are also school officers in Nebraska; while Minnesota in 1913 went so far as to provide for the non-partisan election of members of her legislature. In California in 1915 a noteworthy attempt was made to establish a non-partisan ballot for the election of all State officers; but the scheme failed of adoption in a popular referendum.

In some places and under some conditions, the non-partisan ballot may produce satisfactory results; but too much may easily be expected from it. In States where strong party organizations or machines exist the non-partisan ballot in elections is likely to prove quite as disappointing in its results as the non-partisan ballot in direct primaries.[1] The experience of Philadelphia in the selection of judges for the municipal court and of Pennsylvania in the choice of superior and supreme court judges has proved

[1] See *ante*, p. 147.

that the power of political machines is only slightly if at all curbed by the new system. "The pretense of non-partisanship compelled candidates for judicial office to engage in political struggles thoroughly incompatible with the spirit of judicial non-partisanship. The parties still have their candidates, party machinery is openly used in their behalf, and the results reflect not the untrammelled judgment of the voters, but the manipulation of shrewd politicians and often the expenditure of large campaign funds." [1]

(3) Excessive number of elective offices

(3) Another serious defect in our election system is the vast number of offices filled by popular vote. Add to this the fact that there is seldom an election in which there are not two or more candidates for the same office, and the task of the voter in making an intelligent choice becomes exceedingly complicated, if not impossible of performance. In a recent election in New Jersey, for example, the official ballot contained the names of 164 candidates. It is doubtful if in any State a ballot can be found with a more maddening maze of names than the one used in Cook County, Illinois, in the Presidential election of 1912. The ballot measured 19 by 30¾ inches and contained the names of 423 candidates grouped in six party columns. In addition, there was a seventh blank column headed "Independent." These candidates were running for 81 different offices: 29 Presidential electors, 15 State and Federal offices, 22 county and sanitary district offices, and 15 municipal offices.[2]

[1] Editorial, Philadelphia *Public Ledger*, November 17, 1914.

[2] The ballot used in 1916 in the tenth congressional and sixth senatorial districts (in Cook County) measured 36 by 19 inches and contained the names of 268 candidates for 60 different offices. Be-

The primary ballots in some cities are even more complex, especially where delegates are to be chosen to nominating conventions. For example, an actual primary ballot in the thirty-second assembly district in New York City contained the names of 835 candidates, chiefly made up of delegates to various conventions. It has been stated that the number of elective city, county, and State offices which the people of New York City are called upon to fill by popular election every four years is nearly five hundred, and that in Chicago and Philadelphia the number of offices filled by popular election is still greater.[1]

As *results* we have: (*a*) "Blind" voting

Several most grave consequences have followed from this multiplicity of elective offices with the resulting complex and confusing ballot. It is absolutely impossible for any considerable number of voters to form an intelligent opinion of the merits of a long list of candidates, even where elections occur at rare intervals, much less when they occur with their present frequency; so that at almost every election there is a large number of candidates about whom even intelligent and conscientious voters know very little if anything. The following illustrations show in what complete ignorance of the qualifications, even of the very existence of candidates, many voters act. Recently at a direct primary held in Massachusetts there was a Progressive Democratic party in addition to the regular Democratic party. In Winthrop the Progressive Democrats omitted to name any one as candidate for the legislature. For this

sides, there were separate ballots for judges of the Chicago municipal court and for a proposed amendment to the State constitution and for bond issues.

[1] C. A. Beard, in *Pol. Sci. Quar.*, XXIV, 588 (1909).

office, however, one unknown voter in Winthrop at the primary election wrote on his ballot the name "James O'Connell" on the Progressive ticket. Since no other nominations were made by that party this single vote constituted the highest number of votes on the Progressive ticket for that office. The secretary of state, therefore, acting in conformity to the law, had the name "James O'Connell" printed on the official ballot for the district. At the regular election which followed, "James O'Connell" received 735 votes in the district, 316 of which were cast in Winthrop. It was afterward discovered that no such person as "James O'Connell" existed in that district. Nevertheless, he had beaten one real man on the ticket, although he was not elected. Oil City, Pennsylvania, a few years ago nominated and actually *elected* a dead man. At Wheatland, in the same State, although a certain candidate for justice of the peace died about two weeks before election in 1912, he received more votes than any other candidate. Philadelphia has several times elected imaginary men to some of the petty offices with which the long Pennsylvania ballots are burdened, as a means of facilitating and concealing election frauds.[1]

(*b*) Discussion of the merits of few candidates

Another result is that the only candidates whose merits are seriously discussed on the stump and in the press are those seeking the office of mayor in a municipal election and the candidates for governor in a State election and the Presidential candidates. Upon these leading candidates there is a concentration of interest and discussion, to the neglect of practically the entire balance of the ticket.

[1] *Short Ballot Bulletin*, February, 1912.

(c) "Boss" and "machine" control of nominations

Furthermore, the great number of elective offices necessitates "slates" and combinations, and constitutes one of the bulwarks of machine politics. For offices have to be filled and, therefore, nominations have to be made. Somebody must discover when each officer's term expires and see to it that the names of the candidates are on the ballot in due form according to the provisions of the election law.[1] Since the average voter is too busy with his own affairs, the professional politicians have taken the matter into their hands. The result is that at the regular election (except where the direct primary prevails, and often even there) the ballot has become only a ratification of the "slates" made by the experts and not the express will of the voters. Taking advantage of the inability of the voters to discriminate when there is a large number of candidates, the politicians judiciously select a few honest and respectable candidates to head the ticket, confidently expecting that their popularity will carry into office a large number of incompetents or rascals whose names appear as candidates for the minor offices. "The folly of obliging the people to decide at the polls upon the fitness of a great number of persons lies at the bottom of almost all the misgovernment from which we suffer not only in cities but in the States." [2]

Good government is mainly a matter of getting the right men elected to office; nothing else is more vital. To achieve this is all a matter of arranging for the maximum amount of concentrated public scrutiny at the election.[3] There is a false notion widely preva-

[1] Beard, *op. cit.*
[2] Quoted in Beard, *op. cit.*
[3] R. S. Childs, in *Outlook*, XCII, 635 (1909).

lent and promoted by the professional politicians to the effect that the more elective offices we have the more democratic is our government. On the contrary, the inability of the average voter to attend to the work of making nominations for so many offices and to discriminate between the candidates nominated has virtually resulted, especially in our great cities, in government by an oligarchy of professional politicians rather than in truly democratic government. Our government would in reality be more democratic if we elected only a few officers and gave them the power to fill by appointment the vast majority of the offices which are now filled by election.[1] The functions performed by the majority of elective officials are purely administrative or ministerial and are quite minutely prescribed by statute. Practically none of their duties are of a discretionary nature or depend upon their political views.[2] No good reason can be advanced why purely administrative officers, like auditors, treasurers, and secretaries, should be elected, for they have no large discretionary power and no share in shaping the policy of the administration. By concentrating public attention upon the merits of the candidates for a few of the most important and policy-determining offices, it is believed that vastly better and more democratic government would result.

Best *remedy*, the "short ballot"

The short ballot movement is the name given to the reform movement which aims to bring about a reduction in the number of elections and elective offices and thus to simplify and shorten our present "blanket" ballots. In order to obtain an intelligent

[1] Lyman Abbott, in *Outlook*, XCVI, 75 (1910). [2] Beard, *op. cit.*

study of candidates and, therefore, intelligent voting, "we must shorten the ballot to a point where the average man will vote intelligently without giving to politics more attention than he does at present." That means making it very short. The average voter can probably remember the relative merits of about five sets of candidates, but no more.[1] The vast majority of elective offices, the less important ones, must be taken from the ballot and made appointive. So far from being undemocratic, this would be merely applying to municipal and State politics the system prevailing in connection with the Federal offices. Only the President, Vice-President, senators, and representatives in Congress, out of nearly 400,000 Federal office-holders, are voted for directly or indirectly by the people. All the rest are appointed, not elected. Already, therefore, we have the short ballot in our Federal system, where a comparatively high degree of efficiency prevails, and no one thinks of calling our Federal Government undemocratic. The effort to obtain the short ballot should begin in a reform of the central government of the States, by giving the governor power to appoint all the executive officials just as the President of the United States appoints the heads of departments. Such a reform will necessitate a thorough revision of most of our State constitutions and city charters and the repeal, amendment, or consolidation of a host of statutes. To surmount the obstacles always encountered by a movement for constitutional revision, and to overcome the active and practically universal opposition of political machines and professional

[1] R. S. Childs, *op. cit.*

politicians, will require much time and patient, persistent effort. In the meantime the spread of commission government, including the city-manager plan for cities, will do much to familiarize the public with the advantages of the short ballot.[1]

Mailing sample ballots

While we are waiting and hoping for the arrival of the "short ballot," something should be done to enable voters to mark their long ballots on election day more intelligently. The practice adopted in a few States of mailing a sample ballot to each voter before the day of the primary or election should be copied by every State, for it will afford a much better opportunity than most voters now have to ascertain who are the different candidates and to make inquiries concerning their respective qualifications before going to the polls.

A "Who's Who" ballot

With respect to these qualifications of candidates, one has to admit that sample ballots themselves convey about as little useful information as can be imagined. They generally tell where a candidate lives—and that is a useful bit of information—but they and the regular ballots likewise are absolutely unenlightening upon other points. The ballot should also tell something concerning the education of the candidates, whether common-school, high-school, professional, or university; it should tell whether candidates have ever held any other elective or appointive offices, what their occupations are, and perhaps their age also. This amount of information is a minimum essential to our forming an intelligent opinion re-

[1] The New York Constitutional Convention in 1915 made a noteworthy although unsuccessful attempt to introduce a "shorter" ballot; see *American Year Book, 1915*, pp. 89–90; also *ibid, 1913*, p. 80.

specting their qualifications, and it could be presented upon the ballots in a very concise form. The area of the ballot might be increased somewhat, but any inconvenience resulting from this would be more than offset by its enhanced usefulness to the voter. It is not mere size that the voter objects to now, but the confusion resulting from the absence of any other guide in voting than the party column, party designation, or candidate's address.[1] With the additional information suggested above a degree of interest would be imparted to the study of sample ballots by the voters in their homes or places of business which is now entirely lacking. Such a "Who's Who" ballot would look something like this, to take only a single office and two party columns for illustration.

REPUBLICAN	DEMOCRATIC
MEMBERS OF THE BOARD OF ASSESSORS	
(Two to be elected)	
JOHN JONES, Residence, 1000 Halstead St., Chicago. Age, 22. Occupation, civil engineer. Education, college graduate. Offices held, none.	RICHARD ROE, Residence, 2000 Wilson Ave., Chicago. Age, 65. Occupation, lawyer. Education, high school, law school. Offices held, alderman one term, corporation counsel.
THOMAS SMITH, Residence, 3000 Chicago Ave., Chicago. Age, 40. Occupation, retail liquors. Education, common school. Offices held, park com'r, county com'r.	JAMES DOE, Residence, 1200 Michigan Ave., Chicago. Age, 35. Occupation, real estate. Education, high school, business college. Offices held, assessor one term.

[1] Merely typographical changes in some States, Illinois, for example, would tend greatly to clarify the ballot and eliminate the present blurred effect caused by failure to set off each set of candidates in each party column by a wide space from the names which precede and follow.

With our present form of ballot and restricted distribution of sample ballots, what chance is there of an average voter finding out these few facts for himself? Unless he happens to know one or more of the candidates, unless he has happened to hear their merits discussed, unless he has happened to see something somewhere in some newspaper or has been approached personally by a candidate or one of his workers, the chances are that he is totally in the dark as to their qualifications. If we are doomed to have the long ballot indefinitely, we can at least insist that it shall become a medium of information and enlightenment.

(4) Preferential voting

(4) It is a principle of democratic government that elective offices shall be filled in accordance with the wishes of a majority of the voters. Our well-nigh universal system of plurality elections often violates this principle; for when there are three or more candidates for the same office, it commonly happens that the candidate elected has only a minority of the votes.

Practically nothing has been accomplished in our national, State, and county elections toward substituting majority for plurality rule; but in city elections considerable progress has been made through the adoption of a system of *preferential voting*.[1] Since its adoption in Idaho and Grand Junction, Colorado, about 1909, preferential voting has spread rapidly, until at present (1917) it is in use in over fifty cities, varying in population from less than 5,000 in the case of some New Jersey cities to over 560,000 in the case of Cleveland, Ohio.[2]

[1] See *ante*, p. 158.

[2] See *Nat. Mun. Rev.*, IV, 483 (1915), *ibid*, V, 104 (1916), and *ibid*, VI, 107 (1917).

The Bucklin system

Under the Bucklin[1] system, which, with slight variations, is the one employed in American cities, the ballot used is the Massachusetts type, except that instead of one voting column after the names of candidates there are two or three headed "first choice," "second choice," and "other choices." In marking his ballot, the voter places a cross after the name of the candidate of his first choice in the first-choice column, after the name of his second choice in the second-choice column, and for the third and other choices in the third column. Only one choice may be voted for one candidate, except in the third column, where most cities do not limit the number of preferences. Nominations are always made by petition.

If any candidate is found to have a majority of the first-choice votes, he is declared elected, and that contest is ended. If no candidate secures a majority of first-choice votes, the result is determined in one of two ways: (1) The first and second choice votes of each candidate are added together. If no candidate secures a majority of these combined choices, then to the first and second choice votes are added the third-choice votes, and the candidate now having the *highest* number is usually declared elected. The result thus obtained is generally a majority choice. (2) According to the other system of counting, if no candidate has a majority of the first-choice votes, the candidate with the smallest number of first-choice votes is discarded. The votes cast for this candidate are then distributed among the candidates whom these

[1] So called in recognition of Hon. James W. Bucklin, of Grand Junction, Colorado, who originated it and got it into use.

1. TO VOTE FOR A CANDIDATE ON THIS BALLOT MAKE A CROSS X MARK IN ONE OF THE SQUARES OR IN THE SPACE AT THE LEFT OF HIS NAME.
2. TO VOTE FOR A CANDIDATE NOT ON THIS BALLOT WRITE HIS NAME IN THE BLANK SPACE UNDER THE CANDIDATES FOR THAT OFFICE.
3. MARK ONLY WITH A PENCIL HAVING BLACK LEAD.
4. ANY OTHER MARK, ERASURE OR TEAR ON THE BALLOT RENDERS IT VOID.
5. IF YOU TEAR, OR DEFACE, OR WRONGLY MARK THIS BALLOT, RETURN IT AND OBTAIN ANOTHER.

1 GOVERNOR (Vote for one).

MARTIN H. GLYNN	Democratic / Ind. League
CHARLES S. WHITMAN	Republican
FREDERICK M. DAVENPORT	Progressive
GUSTAVE A. STREBEL	Socialist
WILLIAM SULZER	Prohibition / American
JAMES T. HUNTER	Social Labor

2 LIEUTENANT GOVERNOR (Vote for one).

THOMAS B. LOCKWOOD	Democratic
EDWARD SCHOENECK	Republican / Ind. League
CHAUNCEY J. HAMLIN	Progressive
STEPHEN J. MAHONEY	Socialist
CHARLES E. WELCH	Prohibition
JEREMIAH D. CROWLEY	Social Labor

3 SECRETARY OF STATE (Vote for one).

MITCHELL MAY	Democratic / Ind. League
FRANCIS M. HUGO	Republican
SYDNEY W STERN	Progressive
FLORENCE CROSS KITCHELT	Socialist
JOHN R. CLEMENTS	Prohibition
EDMUND MOONELIS	Social Labor

4 COMPTROLLER (Vote for one).

WILLIAM SOHMER	Democratic / Ind. League
EUGENE M. TRAVIS	Republican
JOHN B. BURNHAM	Progressive
CHARLES W. NOONAN	Socialist
NEIL D. CRANMER	Prohibition
CHARLES E. BERNS	Social Labor

5 TREASURER (Vote for one).

ALBERT C. CARP	Democratic
JAMES L. WELLS	Republican
HOMER D. CALL	Progressive / Ind. League
JAMES C. SHEAHAN	Socialist
EDWARD A. PACKER	Prohibition
ANTHONY HOUTENBRINK	Social Labor

6 ATTORNEY GENERAL (Vote for one).

JAMES A. PARSONS	Democratic
EGBURT E. WOODBURY	Republican
ROBERT H. ELDER	Progressive
FREDERICK HALLER	Socialist
WALTER T. BLISS	Prohibition
EDWARD R. O'MALLEY	Ind. League
JOHN HALL	Social Labor

7 STATE ENGINEER AND SURVEYOR (Vote for one)

JOHN A. BENSEL	Democratic
FRANK M. WILLIAMS	Republican
LLOYD COLLIS	Progressive
VLADEMIR KARAPETOFF	Socialist
JAMES ADAMSON	Prohibition
JOHN MARTIN	Ind. League
AUGUST GILLHAUS	Social Labor

8 ASSOCIATE JUDGE OF THE COURT OF APPEALS (Vote for one).

SAMUEL SEABURY	Democratic / Progressive / Ind. League
EMORY A. CHASE	Republican
LOUIS B. BOUDIN	Socialist
COLERIDGE A. HART	Prohibition
EDMUND SBIDEL	Social Labor

9 UNITED STATES SENATOR (Vote for one).

JAMES W. GERARD	Democratic / Ind. League
JAMES W. WADSWORTH, JR.	Republican
BAINBRIDGE COLBY	Progressive
CHARLES EDWARD RUSSELL	Socialist
FRANCIS E. BALDWIN	Prohibition
ERWIN A. ARCHER	Social Labor

10 JUSTICES OF THE SUPREME COURT FOR THE FIRST JUDICIAL DISTRICT (Vote for two).

P. HENRY DUGRO	Democratic / Ind. League
BARTOW S. WEEKS	Democratic / Ind. League
ISIDOR WASSERVOGEL	Republican / American
JOHN R. DAVIES	Republican / American
JAMES C. MEVERS	Progressive
HUGH GORDON MILLER	Progressive
S. JOHN BLOCK	Socialist
NICHOLAS ALEINKOFF	Socialist
CHARLES E. MANIERRE	Prohibition
GEORGE K. HINDS	Prohibition
LEON SANDERS	Independent

11 JUSTICE OF THE CITY COURT—To fill vacancy expiring December 31, 1921 (Vote for one)

EDWARD B. LA FETRA	Democratic / Ind. League
LLOYD PAUL STRYKER	Republican / American
HENRY K. DAVIS	Progressive
IRVING OTTENBERG	Socialist

12 JUSTICE OF THE CITY COURT—To fill vacancy expiring December 31, 1919 (Vote for one).

JAMES A. ALLEN	Democratic / Ind. League
CHARLES H. GRIFFITHS	Republican / American
MICHAEL SCHAAP	Progressive
LEON A. MALKIEL	Socialist

13 REPRESENTATIVE IN CONGRESS—Eighteenth Congress District (Vote for one).

THOMAS G. PATTEN	Democratic / Ind. League
GEORGE B. FRANCIS	Republican / Progressive
ERNEST RAMM	Socialist
JOHN A. SHEDD	Prohibition

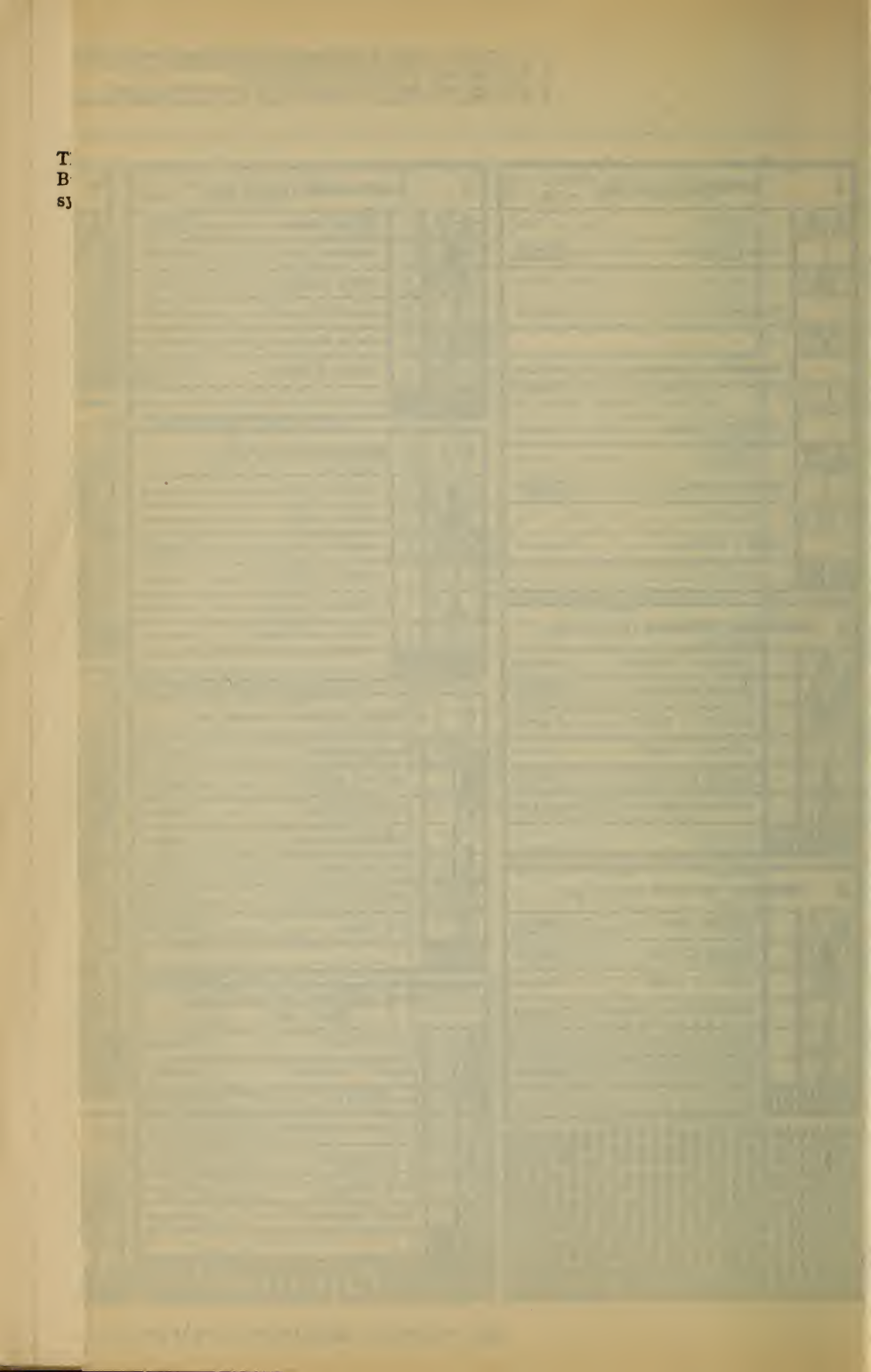
14 SENATOR—Sixteenth Senate District (Vote for one).

ROBERT F. WAGNER	Democratic / Ind. League
LYLE EVANS MAHAN	Republican / Progressive
GEORGE STEINHARDT	Socialist
HARRY G. HARRIS	Prohibition

15 MEMBER OF ASSEMBLY—Twenty-second Assembly District (Vote for one).

MAURICE BLOCH	Democratic / Ind. League
WILLIAM J. SEIFERT	Republican
BENJAMIN E. MOORE	Progressive
EDWARD P. CASSIDY	Socialist
FRANK BORTLIK	Prohibition

THE MODIFIED MASSACHUSETTS TYPE OF BALLOT USED IN NEW YORK, 1914



BALLOT ILLUSTRATING PREFERENTIAL VOTING[1]

(Bucklin System)

INSTRUCTIONS. — To vote for a candidate make a cross (X) in the appropriate space.

Vote your FIRST choice in the FIRST column.

Vote your SECOND choice in the SECOND column.

Vote ONLY ONE FIRST choice and ONLY ONE SECOND choice for any one office.

Vote in the THIRD column for ALL THE OTHER CANDIDATES whom you wish to support.

DO NOT VOTE MORE THAN ONE CHOICE FOR ONE PERSON, as only one choice will count for any candidate.

ONE MAN TO BE ELECTED FOR EACH OFFICE

Supervisor of Adminstration (Mayor)	First Choice (Not more than one)	Second Choice (Not more than one)	Other Choices (As many as you wish)
Charles E. Hughes			
Champ Clark			
James A. O'Gorman			
Nelson W. Aldrich			
Richard Croker			
Robert L. Owen			
William H. Taft			
Joseph W Folk			
Robert M. LaFollette			
Woodrow Wilson			
William J. Bryan			
Chauncey M. Depew			
Theodore Roosevelt			

Supervisor of Finance	First Choice (Not more than one)	Second Choice (Not more than one)	Other Choices (As many as you wish)
Bourke Cockran			
Leslie B. Shaw			
John A. Sullivan			
Nathan Matthews			

Supervisor of Public Works	First Choice (Not more than one)	Second Choice (Not more than one)	Other Choices (As many as you wish)
Guy C. Emerson			
John Mitchell			
Stephen O'Meara			

Supervisor of Health	First Choice (Not more than one)	Second Choice (Not more than one)	
H. W Wiley			

Supervisor of Public Property	First Choice (Not more than one)	Second Choice (Not more than one)	Other Choices (As many as you wish)
Gifford Pinchot			
Richard A. Ballinger			

[1] Prepared by Professor Lewis J. Johnson, Harvard University.

voters designated as their second choice. This process of elimination and distribution is continued until one candidate has received a majority of the votes cast for that office or until only one candidate is left.

The most impressive claims advanced on behalf of preferential voting are as follows: (1) Where it has been substituted for the direct primary it simplifies and lessens the expensiveness of the electoral process by reducing the number of elections by one-half. (2) By giving each voter a much wider range of choice among candidates, it has a tendency to emphasize issues as against personalities, and thus tends to reduce personal attacks and recrimination. (3) Above all, preferential voting comes the nearest of any system yet devised to election by absolute majority. This, however, cannot always be obtained, especially in first elections in large cities, as has been proved by the experience of Denver, Spokane, and Portland, Oregon. Even in such cases it is claimed that preferential voting justifies itself by insuring a plurality obtained in a free and open contest in which each voter may vote for every candidate to his liking and need vote against no such candidate. A plurality obtained under such circumstances is very unlikely to be an antimajority plurality.[1]

The system of preferential voting is, of course, not without its defects, but where it has been tried for municipal elections it seems to have produced results quite as satisfactory as the old plurality system. No

[1] Professor Lewis J. Johnson, "The Preferential Ballot as a Substitute for the Direct Primary," in *Senate Documents*, 3d session, 63d Congress, No. 985 (1915).

city having once adopted the Bucklin system has ever voluntarily given it up.

(5) Absent voters

(5) One of the most interesting of recent political developments is the rapidity with which people are coming to realize that thousands of our most intelligent citizens are virtually disfranchised at every primary or election merely because they are absent from their voting district on the day of the primary or election; for our election laws, impliedly if not expressly, require that a voter shall, in order to have his vote counted, appear in person at the polling-place in the district or precinct where he resides.

To give a close estimate of the number of voters who are thus disfranchised is very difficult, if not impossible, but one may safely set the number well up in the thousands. Comprised in this great disfranchised class are members of the following groups and probably others: commercial travellers or travelling salesmen, whose ordinary business takes them away from home at election time; engineers and contractors engaged on work at some distance from their election districts; sailors, railway, and steamship employees, especially those engaged in the movement of trains and boats; State officials whose duties require their presence at the State capital; and other State officials, like inspectors of mines and factories, whose duties require extensive travelling throughout the State; Federal officials in the departments at Washington or in other places far removed from their voting districts; college and university students, among whom there are probably many hundreds of voters in great States like New York, Pennsylvania,

and Illinois, who may not be permitted to vote in the college or university town; finally, taking the country as a whole, there is a very large number of other persons who are unexpectedly obliged through death of relatives or friends, or by unforeseen business contingencies, to leave home on the eve of an election and thus lose their votes.

First absent-voters laws in Vermont (1896) and Kansas (1901)

The first law designed to remedy this condition, at least in part, was enacted by the Vermont legislature some twenty years ago. The Vermont act of 1896, now in force, is the briefest and freest from restrictions and technicalities of any of the absent-voters laws which have since been passed. It provides that "A legal voter in this State may vote for governor, lieutenant-governor, State treasurer, secretary of state, auditor of accounts, attorney-general, United States senator, and electors of President and Vice-President, *in any town in the State*, and for representative to congress *in any town in the congressional district* in which he resides; provided that such voter files with the clerk of the town in which he desires to vote a certificate from the clerk of the town of his legal residence stating that such voter's name is on the check-list (voting-list) required by law to be prepared in such town."

Five years later Kansas passed a law which enabled a single class of absent voters, namely, railway employees, to vote by mail. This statute attracted practically no attention until its scope was broadened in 1911 by an amendment which extended the privileges of voting by mail to "any qualified elector" absent from his usual voting-place by reason of his

occupation or business. This amended act first went into operation in the Presidential election of 1912, when about five thousand absent voters took advantage of it.

Since Vermont and Kansas thus led the way, fourteen other States have enacted "absent-voters laws": North Dakota, South Dakota, Nebraska, Minnesota, and Missouri in 1913; Colorado, Iowa, Michigan, Montana, Oregon, Wisconsin, Washington, and Wyoming in 1915; and Virginia in 1916.[1]

Two types of absent-voters laws (1) Kansas

An outline of the provisions of the Kansas and North Dakota statutes will be sufficient to illustrate the operation of absent-voters laws in general. When a Kansas voter is absent from his regular voting-place on the day of a *general election*, he may present himself during voting hours at a polling-place in the town or city where he temporarily happens to be and there sign an affidavit before the election officers. In this affidavit the voter makes oath to the fact that he is a properly qualified voter of ..... district in ..... county; that by reason of his occupation or business as ..... he is required to be absent from his regular voting district, and that he has not voted elsewhere at this election. The absent voter

[1] A summary of the main features of some of these laws may be found in *Am. Pol. Sci. Rev.*, VIII, 442 (1914), and *ibid.*, X, 114 (1916). See also *American Year Book, 1914*, p. 67. Some method of enabling absentees to vote is also in operation in Australia, New Zealand, Norway, and in some of the Swiss cantons. See *Nat. Mun. Rev.*, III, 733 (1914).

The platform of the Democratic party in the Massachusetts State campaign of 1915 favored the enactment of an absent-voters law. This is probably the first formal platform declaration upon this subject. The Republican platform in Illinois in 1916 included a similar indorsement.

is then given a ballot such as is used in that place and is permitted to enter a voting-booth and there to mark his ballot. The ballot is then folded with the marks concealed, indorsed by an election official as "the ballot of A. B., an absent voter of ..... district in ..... county," and placed along with the affidavit in an envelope, which is sealed, directed, and sent by mail to the proper official in the absent voter's home county. There, at the appointed time for canvassing the votes, it is opened and counted before the result of the official canvass is declared. The canvassing officials are forbidden, under severe penalties, to disclose how the absent voter marked his ballot.

Kansas and most of the other States having absent-voters laws have no constitutional provision requiring secrecy of the ballot, and the absence of such a requirement greatly simplifies the drafting of such a law. It is apparent that in Kansas the identity of each absent voter and the way in which he marked his ballot must necessarily be known by the canvassing officials. This is perhaps the principal defect in the Kansas law.

(2) North Dakota

The constitutions of North Dakota, Washington, and Wyoming, on the other hand, require a secret ballot. To meet such a constitutional requirement, the authors of the North Dakota statute devised the following ingenious scheme, which has also been adopted in a number of States where secrecy is not required by the constitution.

Any fully qualified voter in North Dakota who expects to be absent from his county on the day of a

primary or general election may apply to the county auditor within thirty days preceding the election for "an official absent-voter ballot" to be voted at such election. These ballots are to be of the same size, form, and "texture" as the regular official ballots, "except that they shall be printed upon tinted paper of a tint different from that of the sample ballots." Upon receipt of the proper application the county auditor is required to transmit or deliver to the voter one of these absent-voter ballots, together with a return envelope addressed to the county auditor.

The absent voter may mark his ballot at any time prior to the close of the polls on election day, but marking is surrounded by certain formalities. The voter must go before some official having a seal and authority to administer oaths, must exhibit to that official his unmarked ballot and the envelope, and must make oath to the affidavit printed on the back of the envelope that he is a properly qualified voter, that he expects to be absent from his county on the day of election, and that he will have no opportunity to vote in person on that day. Then, in the presence of the magistrate and "no other person," the voter marks his ballot, "but in such manner that such officer cannot see the vote," folds the ballot with the marks concealed, and encloses it in the envelope, which is securely sealed. The magistrate certifies underneath the affidavit on the envelope that all of these formalities have been complied with; after which the ballot is mailed by the voter, with postage prepaid.

When received by the county auditor, that official

must forthwith transmit to the judge or inspector of election in the precinct where the absent voter resides the ballot and the envelope enclosed together with the voter's written application in a larger or "carrier" envelope, which is securely sealed and indorsed with the name of the proper voting precinct where the absent voter resides, also with the name, title, and address of the county auditor and the words: "This envelope contains an absent-voter ballot and must be opened only on election day at the polls while the same are open."

At any time between the opening and the closing of the polls on election day, the inspector of election first opens the outer or carrier envelope only and compares the signature on the application-blank with the signature affixed to the affidavit. If the signatures correspond and the affidavit is sufficient, and if the voter is duly qualified and has not already voted at this election, the judge of election opens the absent-voter envelope "in such manner as not to destroy the affidavit thereon" and takes out the ballot, and, "without unfolding the same or permitting the same to be opened or examined," deposits it in the ballot-box to be counted as if cast by the voter in person; and the voter's name is then checked on the voting-list.

If the affidavit should prove to be insufficient, or if the signatures should fail to correspond, or if the voter should prove not to be a duly qualified elector of that precinct, such vote is, of course, not allowed; but "without opening the absent-voter envelope" the election inspector marks across the face thereof, "Re-

jected as defective," or "Rejected as not an elector," as the case may be.

The law contains the further provision that the voter may mark his ballot before as well as after he leaves his own county, and that, in case the voter unexpectedly returns to his precinct on or before election day, he shall be permitted to vote in person, "provided his ballot has not already been deposited in the ballot-box." Appropriate penalties are, of course, provided for violations of the act and for false swearing.

Under the North Dakota law, it will readily be noted, secrecy of the ballot is much more completely insured than under the Kansas system. Nevertheless, it might happen that there was only one absent voter in a precinct, and, since his ballot differs in color from the regular ballot, his vote could be identified in counting. Apparently, to remove this last chance to identify an absent voter's ballot, the other laws modelled upon the North Dakota act omit the requirement of a distinctive color for the absent-voter ballot.

Variations in absent-voters laws

While either the Kansas or the North Dakota law has been followed closely in the different States having absent-voters laws, there are, of course, many variations in detail. Half of the States permit absent voting in *elections* only, while the other half permit it in connection with primaries as well. The majority of States restrict the absent voter to voting for constitutional amendments and for county, district, State, and Federal officers; while in the other States he may vote for *all* officers as well as amendments.

Most statutes require that absentee voting shall take place within the voter's home State; but there is nothing in the law of North Dakota and a few other States which would prevent a voter of that State from marking and mailing his ballot at some point outside the State. Indeed, the Virginia law of 1916 not only expressly permits absentee voting in other parts of the United States, but permits it in the dependencies and in foreign countries as well. The possibilities of interstate and international voting thus opened up are well worth considering. In only three States is absent voting permitted indiscriminately, as in the Vermont law of 1896, to all duly qualified voters who are absent from their voting precincts. The minimum restriction found in most States is absence from *the county* as well as from the precinct. Some States prescribe that the absence must be "because his duties or occupation" require the voter to be absent; and Wyoming still further restricts the right of absent voting to a voter "whose duties are such as to cause his absence . . . at *regular and stated intervals.*" The Michigan law is perhaps the most restrictive of all: only voters coming under one of the following classes may cast their ballot *in absentia:* (*a*) "Electors in the actual military service of the United States or of this State, or in the army or navy thereof in time of war, insurrection, or rebellion; (*b*) members of the legislature while in attendance at any session; (*c*) students while in attendance at any institution of learning; and (*d*) commercial travellers. . . ."

Until absent voting has passed the experimental

stage, perhaps these restrictions, as well as the limitation to intrastate voting, are wise. After a period of trial, experience will determine whether they may be removed so as to permit absent voting whatever the occasion of the absence, and also whether the system may safely be extended to absent voters outside their own States. If the system shall be found to have worked well, we may get our courage up to the point where we shall be willing to do tardy justice to the sick or infirm voter and permit him also to register his vote *in absentia*.[1]

QUESTIONS AND TOPICS

1. What was the expected and the actual effect of the adoption of the Australian ballot in the United States upon corruption and intimidation at the polls? (See Ostrogorski, II.)

2. The history of the adoption of a written or printed ballot in England.

3. The advantages of the Massachusetts type of ballot. (See Jones.)

4. In what Presidential elections has the independent vote apparently played a decisive part?

5. The new (Levy) election law (1911) in New York and its defects. (See Bard.)

6. The "Wilson ballot" in Maryland politics. (See Bradley.)

7. The new coupon form of ballot adopted in Wisconsin in 1910. (See Ludington.)

8. Voting-machines: where authorized, how operated, advantages and disadvantages?

9. Collect all the arguments you can for and against party "regularity" and independent voting.

[1] The discussion of absent-voters laws in the text is a condensation of the author's article, "Re-enfranchising Absent Voters," in *Case and Comment*, XXIII, 358 (1916). In this article the first absent-voting law is erroneously credited to Kansas.

10. Instances where violence and intimidation have been resorted to in elections. (See Jones.)

11. College students as volunteer "watchers" in city elections. (See Intercollegiate Civic League *Reports*, 1909–1910.)

12. The increase in the number of elective offices since the Revolution.

13. Make a complete list of all the officers and delegates elected in your town (city) and county every four years, indicating when the term of each officer expires.

14. What steps are prescribed by law in your own State for the official canvass of votes for State and county officers and for contesting elections?

15. Ascertain as accurately as possible the cost of primaries and elections to the taxpayers of your State, county, and town.

16. How do men and women voters compare in absenteeism at the polls both at elections and primaries? (See Meredith.)

17. Absent voting in the Federal army during the Civil War. (See Benton.)

18. What points of difference in the various absent-voters laws may be noted in addition to those mentioned in the text?

19. Why are national party lines maintained in connection with municipal elections? What evils have resulted?

20. Ought partisan politics to be entirely eliminated from city elections? (See Munro.)

21. What are the arguments for and against the maintenance of purely municipal parties?

22. What has been the effect of the non-partisan ballot upon partisanship in elections?

23. The proposed Oregon plan of 1912 for a short ballot. (See *American Year Book, 1912*, pp. 67–68.)

24. What provisions were made by various States to enable members of the State militia on the Mexican border to vote in the Presidential election of 1916?

25. What proposals have been made in your own State or neighboring States for a shorter ballot?

26. In case offices which are now filled by election should be made appointive, what would be the best method of filling them?

27. The use of schoolhouses as voting-places. (See Pink, Ward.)

28. On what grounds have the courts upheld or denied the constitutionality of laws or charters establishing the preferential system of voting? (See *Nat. Mun. Rev.*, *Harvard Law Rev.*)

29. Discuss the respective advantages and defects of the Grand Junction or Bucklin system of preferential voting and the Hare system. (See Tyson.)

BIBLIOGRAPHY

Allen, P. L., "The Trend toward a Real Democracy," in *Outlook*, LXXXIV, 120 (1906).

—— "Ballot Laws and Their Workings," in *Pol. Sci. Quar.*, XXI, 38 (1906).

—— "The Multifarious Australian Ballot," in *No. Am. Rev.*, CXCI, 602 (1910).

American Political Science Review, IX, 313 (1915), "Non-Partisan Government." On the rejected California plan.

—— X, 114 (1916), "Absent Voting." On legislation of 1915.

—— X, 336 (1916), "Secret Ballot in Argentine."

American Year Book, *1912*, pp. 69–70, "Preferential Voting."

Bard, A. S., "The Levy Election Law in New York," in *Pol. Sci. Quar.*, XXVII, 36 (1912).

—— *Some Observations on the Primary and Election Laws of the State of New York.* (Pamphlet, 1914.)

Beard, C. A., *American Government and Politics*, 672–685.

—— "The Ballot's Burden," in *Pol. Sci. Quar.*, XXIV, 588 (1909). A strong plea for the short ballot.

—— Tendencies Affecting the Size of the Ballot," in Am. Pol. Sci. Assn. *Proceedings*, VI, 93 (1909).

Beck, Carl, "Where Shall the Citizens of New York Vote?" in *Survey*, XXXII, 53 (1914). On polling-places in schools.

Benton, J. H., *Voting in the Field* (1915). "A Forgotten Chapter of the Civil War."

Binney, C. G., "The Merits and Defects of the Pennsylvania Ballot Law of 1891," in *Annals*, II, 751 (1892).

Bishop, C. F., *History of Elections in the American Colonies.*

Bonaparte, C. J., "Partisanship in Municipal Politics," in Nat. Mun. League *Proceedings*, X, 71 (1904).

Bradley, V. S., *The Wilson Ballot in Maryland Politics.* (Pamphlet, 1911.)

Bullock, E. D. (editor), *Short Ballot* (1915). Debaters' Handbook Series.

Chadbourne, W. M., "Party Loyalty," in Intercollegiate Civic League *Report* (1909), pp. 55–57.

Chicago Board of Election Commissioners, *First Annual Report* (1915).

Chicago Bureau of Public Efficiency, *The Growing Cost of Elections in Chicago and Cook County.* (Pamphlet, 1912.)

Childs, R. S., "The Short Ballot," in *Outlook*, XCII, 635 (1909). Also in pamphlet form, obtainable in quantities from the Short Ballot Organization, New York City.

—— "Ballot Reform: Need of Simplification," in Am. Pol. Sci. Assn. *Proceedings*, VI, 65 (1909).

—— "Politics without Politicians." Pamphlet issued by the Short Ballot Organization, reprinted from *Saturday Evening Post*, January 22, 1910.

—— "The Short Ballot and the Commission Plan," in *Annals*, XXXVIII, 816 (1911).

—— *Short-Ballot Principles* (1911).

—— "Peanut Politics and the Short Ballot," in *Harper's Weekly*, LVIII, October 25, 1913, p. 22.

City Club of Chicago, *The Short Ballot in Illinois.* (Pamphlet, 1912.)

Cleveland, F. A., *Organized Democracy* (1913), ch. 19, "Casting and Counting Ballots."

Dana, R. H., "The Practical Working of the Australian System of Voting in Massachusetts," in *Annals*, II, 733 (1892).

—— "The Australian Ballot System of Massachusetts," in Nat. Mun. League *Proceedings*, XII, 349 (1906).

Deeter, Paxson, *Prize Essay on Compulsory Voting* (1902).

Donaldson, W. T., "Compulsory Voting," in *Nat. Mun. Rev.*, IV, 460 (1915).

—— "Compulsory Voting and Absent Voting, with Bibliographies," in Ohio Legislative Reference *Bulletin*, No. 1 (1914).

Donaldson, W. T., and Roseberry, L. H., "Absent Voting," in *Nat. Mun. Rev.*, III, 733 (1914).

Finch, E. R., "The Fight for a Clean Ballot," in *Independent*, LXVIII, 1020 (1910). On repeating in New York City.

Fuller, R. H., *Government by the American People* (1908). Much information in small compass regarding election laws, especially in New York.

Garver, F. H., "Nine Elections in One Year," in Sioux City, Iowa, in *Am. Pol. Sci. Rev.*, III, 433 (1909).

Garvin, L. F. C., "The Shortest Ballot," in *Independent*, LXIX, 1153 (1910).

Gay, R. L., "Separation of Elections in Massachusetts," in Nat. Mun. League *Proceedings*, XIII, 215 (1907).

Giddings, F. H., "The Nature and Conduct of Political Majorities," in *Pol. Sci. Quar.*, VII, 116 (1892).

Glasson, W. H., "The Australian Ballot: Why North Carolina Should Adopt It," in *South Atlantic Quarterly*, VIII, 132 (1909).

Hamm, W. C., "A Study of Presidential Votes," in *Pol. Sci. Quar.*, XVI, 50 (1901).

Hartwell, C. S., "Fraud by Marked Ballots," in *Outlook*, LXXV, 656 (1903).

Holcombe, A. N., *State Government in the United States* (1916), ch. 8.

Hull, R. M., "Preferential Voting and How It Works," in *Nat. Mun. Rev.*, I, 386 (1912).

Ivins, W. M., "On the Electoral System of the State of New York," in *29th Annual Report* New York State Bar Assn. (1906). A historical sketch of primary and election legislation.

Johnson, L. J., "Preferential Voting," in *Nat. Mun. Rev.*, III, 83 (1914).

—— "Preferential Voting," in *Nat. Mun. Rev.*, V, 103 (1916).

Jones, C. L., *Readings on Parties and Elections in the United States* (1911).

Kales, A. M., *Unpopular Government in the United States* (1914), ch. 1.

Kennan, George, "Holding-Up a State," in *Outlook*, LXXIII, 432 (1903). Operation of the "assistance" clause in Delaware.

Loomis, F. M., "The Exclusion of Partisan Politics from Municipal Affairs: The Democratic-European Method," in Nat. Mun. League *Proceedings*, III, 103 (1897).

Low, Seth, "Party Allegiance," in Intercollegiate Civic League *Report* (1910), 57 ff.

Lowell, J. R., "The Place of the Independent in Politics," in *Writings*, VI, 190 ff. (Riverside edition.)

Ludington, Arthur, "Present Status of Ballot Laws in the United States," in *Am. Pol. Sci. Rev.*, III, 252 (1909).

Ludington, Arthur, "Ballot Laws," in *Am. Pol. Sci. Rev.*, IV, 63 (1910). Describes the new coupon Wisconsin ballot.

—— "Progress toward Ballot Reform in New York and Pennsylvania," in *Am. Pol. Sci. Rev.*, IV, 207 (1910).

—— "Progress of the Short Ballot Movement," in *Am. Pol. Sci. Rev.*, V, 79 (1911).

—— "Ballot Legislation of 1911," in *Am. Pol. Sci. Rev.*, VI, 54 (1912).

—— "Ballot Laws in the Southern States," in *South Atlantic Quarterly*, IX, 21 (1910).

—— "Proposed Methods of Ballot Simplification," in Am Pol. Sci. Assn. *Proceedings*, VI (1909), 72.

—— *American Ballot Laws* (to 1910), New York Education Department *Bulletin*, 1910.

McAneny, George, "Independence or Non-Partisanship in Municipal Politics," in Intercollegiate Civic League *Report* (1910), p. 67 ff.

McArthur, P., "The Science of Political Corruption," in *Forum*, XLVII, 26 (1912).

McLaughlin and Hart, *Cyclopedia of American Government*, I, 100, "Ballot"; 652, "Election System in the U. S."; 654, "Election Systems, Comparison of"; III, 627, "Vote, Popular"; 631, "Voting, Compulsory."

Maltbie, M. R., "Municipal Political Parties," in Nat. Mun. League *Proceedings*, VI, 212 (1900).

Meredith, E., "Do Women Vote?" in *Nat. Mun. Rev.*, III, 663 (1914).

Millspaugh, A. C., "Bi-Partisanship and Vote Manipulation in Detroit," in *Nat. Mun. Rev.*, V, 620 (1916).

Munro, W. B., *The Government of American Cities* (1912), 153–161, 365–371.

National Municipal Review, IV, 483 (1915), "Preferential Voting."

—— IV, 655 (1915), "Illinois City Election Law."

New York City, *Report on Special Examination of the Accounts and Methods of the Board of Elections of the City of New York.* (Pamphlet, 1915.)

New York State Superintendent of Elections, *Annual Reports, 1914, 1915.*

Ostrogorski, M., *Democracy and the Organization of Political Parties*, II. (See index.)

Outlook, The, XCVIII, 695 (1911), "Tammany's Grip." On the Levy election law for New York.

—— XCII, 829 (1909), "The Short Ballot Again."

—— XCVI, 334 (1910), "Tammany's Opportunity."

—— CIII, 332 (1913), "The Short Ballot."

Paine, R. T., "The Elimination of Party Designations in Municipal Elections," in Nat. Mun. League *Proceedings*, XV, 291 (1909).

Parsons, Frank, *The City for the People* (1901), ch. 6, on Preferential Voting, and ch. 7, on the automatic ballot, or voting-machines.

Pennsylvania Commission to Revise and Codify the Election Laws in Pennsylvania, *Report* (1911).

Pink, L. H., "Polling Places in the Schools," in *Nat. Mun. Rev.*, II, 451 (1913).

Porter, M. P., "Preferential Voting and the Rule of the Majority," in *Nat. Mun. Rev.*, III, 581 (1914).

Prentice, Ezra P., "Party Allegiance and College Men in Politics," in Intercollegiate Civic League *Report* (1909), p. 58.

Ray, P. O., "Absent Voters," in *Am. Pol. Sci. Rev.*, VIII, 442 (1914).

—— "Re-Enfranchising Absent Voters," in *Case and Comment*, XXIII, 358 (1916).

Richardson, Charles, "Party Government," in *Annals*, II, 653 (1892).

Ruppenthal, J. C., "Election Reforms: The Trend toward Democracy," in *Annals*, XXVIII, 411 (1906).

Shaw, W. B., "Good Ballot Laws and Bad," in *Outlook*, LXXXI, 863 (1905). Specimen ballots shown.

Short Ballot Bulletin, published bimonthly by the National Short Ballot Organization, New York City.

Spooner, J. C., "Necessity for Partisanship," in Intercollegiate Civic League *Report* (1909), p. 71.

Stanwood, Edward, "Election Superstitions and Fallacies," in *Atlantic Monthly*, CX, 553 (1912).

—— "Voting by Mail," in *Atlantic Monthly*, LXXXVI, 568 (1900).

Stickney, Albert, *Organized Democracy* (1906), ch. 1.

Stoddart, A. M., "How the Newspapers Tell the Story of Election Day," in *Outlook*, CXIV, 566 (1916).

Taylor, C. F. (editor), *Equity*. A quarterly journal devoted to direct primary legislation, preferential voting, the short ballot, and the initiative, referendum, and recall. (Philadelphia.)

Tuttle, Herbert, "Despotism of Party," in *Atlantic Monthly*, LIV, 374 (1884).

—— "Which, Partisan or Non-Partisan," in *Outlook*, LXIX, 399 (1901).

Tyson, R., "Preferential Voting," in *Digest of Short Ballot Charters*, 21501.

Ward, E. J., "The School House as the Polling Place," in U. S. Bureau of Education *Bulletin, 1915*, No. 13.

Werner, Percy, "A New System of Elections for St. Louis," in *Nat. Mun. Rev.*, V, 627 (1916).

West, V. J., "Legislation of 1913 Affecting Nominations and Elections," in *Am. Pol. Sci. Rev.*, VIII, 437 (1914).

—— "Legislation of 1914 and 1915 Affecting Nominations and Elections," in *Am. Pol. Sci. Rev.*, IX, 738, 743 (1915).

Weyl, W. E., "The Average Voter," in *Century*, XC, 901 (1915).

White, T. R., "Separation of Elections" (in Pennsylvania), in Nat. Mun. League *Proceedings*, XIII, 209 (1907).

Whitlock, Brand, "The Evil Influence of National Parties in Municipal Elections," in Nat. Mun. League *Proceedings*, XIII, 193 (1907).

Wigmore, J. H., *The Australian Ballot System as Embodied in the Legislation of Various Countries*, 2d edition (1889).

Wilson, Woodrow, "Hide and Seek Politics," in *No. Am. Rev.*, CXCI, 585 (1910).

Woodburn, J. A., "Political Independence and Party Loyalty," ch. 23, in *Political Parties and Party Problems* (1914).

Woodruff, C. R., "Election Methods and Reform in Philadelphia," in *Annals*, XVII, 181 (1901).

—— "One Phase of Philadelphia's Election Frauds," in *Independent*, LII, 3106 (1900).

—— "Election Reform," in *Nat. Mun. Rev.*, V, 611 (1916).

Yount, A. H., "Chicago's Election Frauds," in *Nat. Mun. Rev.*, III, 399 (1914).

PART FOUR

THE PARTY IN POWER

CHAPTER XIV

THE SPOILS SYSTEM. ITS ORIGIN AND DEVELOPMENT. EVILS OF THE SYSTEM

Motives of statesmen and mere politicians

The immediate object of political parties is to obtain control of the local, State, or national government through the carrying of elections. By statesmen this end is ardently sought because it will afford opportunity for enacting into law the policies or principles to which their party stands committed, and will render possible the proper enforcement of those laws and the execution of those policies through administrative officers who are in sympathy with them. By the mere party worker, by the "practical" or "machine" politician, on the other hand, the control of the government is sought from quite different motives. He has continually in mind a fact which the average citizen rarely considers, namely, that, whereas the number of elective offices is relatively small, there is a veritable host of minor offices filled by appointment, and that the appointments to these offices are made by the comparatively few elected officers. The practical politician knows that there is scarcely an elected official in the United States who does not have the right to appoint one or more subordinates. While

the average citizen is weighing the respective personal merits of A, B, C, and D as candidates for President, governor, mayor, or member of Congress, or decides to vote for them in preference to W, X, Y, and Z, because of the policies for which they stand, the practical politician supports A, B, C, and D simply because they are the men regularly named or indorsed by his party organization, and because it is to his interest to give loyal support at all times to the candidates of his party regardless of qualifications or policies, to which, indeed, he seldom gives any thought. It is to his interest so to act because victory for his party at the election means that his party leaders will directly or indirectly have a large number of subordinate offices, filled by appointment, to distribute as rewards to faithful and diligent party workers, and in this distribution of prizes he hopes to share. It is for this reason that the elections of the chief executive or administrative officers in the local, State, or national government and members of local, State, or national legislatures are the most warmly contested and made the objects of such strenuous activity among politicians. They realize that in the Federal civil service[1] alone there are nearly five hundred thousand positions to which appointments are

[1] The civil service comprises the executive branch of the public service as distinguished from the military, naval, legislative, and judicial branches. The civil service is divided into two parts: political and non-political. (1) The political part comprises the positions essential to carrying out the policy of the administration which has been approved by the people at the polls. (2) The second part embraces the positions which are subordinate and ministerial. *New Encyclopedia of Social Reform.* The right to control the distribution of subordinate offices in the civil service is called "patronage." The term is also applied to the offices themselves.

made directly or indirectly by the President and members of his cabinet, and that the aggregate salaries of these offices is probably at least two hundred million dollars. They know, too, that in our States, cities, and towns there are offices filled by appointment by elected officers that in the aggregate come to an even larger number.

State and Federal offices filled by appointment

With a change in the chief administrative officers of a city, town, State, or of the Federal Government, there is presented the opportunity for an extensive redistribution of the minor offices. The same is true, in smaller degree, in the election of members of the different legislative bodies. With the opportunity comes the temptation for a victorious candidate, or his party acting through him, to use the patronage attached to his office as a means of rewarding his personal and political friends and weakening the opposing party. The temptation appeared early in American history, and early it proved irresistible. Since the time of Andrew Jackson, and even before his election to the Presidency, successful candidates have claimed as matter of right the partisan advantages of success. They have seen nothing wrong, or have shut their eyes to the wrong, in the rule that "to the victors belong the spoils of the enemy." To this practice of using the patronage connected with elective offices as a reward for personal and party services the term "spoils system" has been applied.

Origin of spoils system

The framers of the Constitution unconsciously prepared the way for the introduction of the spoils system into national affairs. They inserted in the Constitution a section providing that the President should "nominate and, by and with the advice of the Senate,

Federal Constitution prepared way for spoils system

appoint" ambassadors, judges of the supreme court, and "all other officers of the United States" whose appointments were not otherwise provided for in the Constitution itself and "which shall be established by law." [1] In the same section of the Constitution, Congress was authorized to vest the appointment of "inferior officers" in "the President alone, in the courts of law, or in the heads of departments." So far as the courts are concerned, Congress has by appropriate legislation conferred upon them the power to appoint their own clerks, reporters, and stenographers. These positions, however, are not included when the spoils system is under consideration. Congress has likewise vested the appointment of a comparatively few officials, including the librarian of Congress, in all about one thousand, in the President alone. The remainder of the "inferior officers" are appointed directly or indirectly by the heads of departments, who are themselves nominated by the President and confirmed by the Senate. It is with these inferior officers that the spoils system is concerned.

President's power of *removal*

It was decided as early as 1789 that the power to appoint implies the power to remove from office.[2] Such power is absolutely essential to an efficient government, but it carries with it the opportunity for its grave misuse in the promotion of purely partisan ends. It puts enormous power in the hands of the President and heads of departments, since it places almost every position in the civil service unconditionally at their pleasure. It is hardly too much to say that the spoils system is really little more than a per-

[1] Article II, section 2. [2] See Parsons *vs.* U. S., 167 U. S., 324.

version of the right of removal, its prostitution to merely partisan uses. At the present time the President has the power to remove at discretion all officers whom he appoints directly or through the members of his cabinet, except judges of the Federal courts and military and naval officers who ordinarily have a right to trial by a court martial before removal.

Four-year-tenure act of 1820

Down to 1820 it was tacitly understood that the subordinate officers and employees of all kinds in the Federal civil service should hold their office during good behavior. Presidents and heads of departments exercised their power of removing subordinates rarely, and seldom, if at all, for merely partisan purposes. In 1820 an act was passed by Congress which limited to four years the term of district attorneys, collectors, naval officers, navy agents, surveyors of customs, paymasters, and several other less important Federal officers. This was an innovation which, under President Jackson, developed into a revolution in the term and tenure of office. With a fixed term, offices were vacated automatically, and it became possible to make a redistribution without the inconvenience attending former removals. Every four years these offices could be used as rewards to party workers or personal friends without subjecting the appointing officers to the necessity of avowing partisan motives. In this way the "spoils" could be shared by a much larger number of individuals than was possible under a tenure of good behavior.

It was not, however, until the administration of President Jackson that the practice was inaugurated of systematically displacing officers and employees of all kinds merely because they did not agree in politics

with the President for the time being. But even President Jackson did not make the "clean sweep" in the Federal offices with which he has frequently been charged.[1] Such changes, however, as were made during his two administrations were made openly and avowedly from partisan considerations, whereas before his time such motives, if they existed, were not avowed publicly.

The act of 1836

The last year of President Jackson's second term saw the enactment of another law which greatly facilitated the extension of the spoils system and completed "the partisan revolution in the politics and official life of the country." That act required that all postmasters whose compensation was one thousand dollars a year or upward should be appointed by the President and confirmed by the Senate and that their term of office should be four years. They were made removable at the pleasure of the President. The four-year tenure established by the acts of 1820 and 1836 did not extend to the clerks or other inferior officers in the great departments at Washington, or to subordinates of postmasters, of collectors, or of naval or other officers named in the statutes. But as their removal could be effected without a special act, it was not long before it became the practice to remove even these upon the accession of each new superior. From Jackson's administrations to the enactment of the civil service act of 1883, the whole Federal civil service was shaken up more or less thoroughly every four years by removals. And the four-year rule is still in existence. It applies to the

[1] C. R. Fish, *Civil Service and the Patronage*, 181.

most important Federal officials, including, in addition to those already named, the chiefs of many bureaus, the governors and judges of the territories, Indian agents, and pension agents.

"Rotation in office"

Underlying the four-year-tenure acts of 1820 and 1836 was the principle of "rotation in office." This became almost universally accepted in Jackson's time, and it greatly facilitated and in a large measure explains the rapid extension of the spoils system in national and State politics. In the period when the new democracy was spreading like wildfire "rotation in office" was held to imply democracy and equality. It was defended on the ground that it stimulated men to exertion in behalf of their party, fostered ambition to serve the country or neighborhood by opening up the possibility of holding office to a vastly greater number than could expect to hold office under the tenure of good behavior. Furthermore, it was a protest against the existence of what was regarded as a stiff, arrogant, and aristocratic official caste, and a convenient formula for the belief that one man was as good as another; or, as George III said, "every man is good enough for any place he can get."

Rotation in office at first related to changes in the civil service only when one party supplanted another in the control of the government. But after 1857 the practice came to be applied every time a new administration came in, although of the same party as the preceding administration. It treated the public service as "a huge soup-house in which needy citizens are to take turns at the table, and they must not grumble when they are told to move on." Yet rota-

tion was never applied universally in the Federal civil service; for many men secured a long, intermittent term of service by coming into office whenever their party came to power, even though they were removed by the other party. Furthermore, a large residuum, often composed of those performing the most technical duties, were always left in their places, by whom the continuity of departmental traditions was preserved. The advance of democratic sentiment between 1820 and 1850 evolved a great and growing volume of political work to be done in managing primaries, conventions, and elections for offices in the city, State, and national governments. Men were needed who could give to this work constant and undivided attention. These men the plan of rotation in office provided. Those whose bread and butter depended on their party could be trusted to work for their party, to enlist recruits, look after the organization, and play electioneering tricks from which ordinary party spirit might recoil.[1] The leaders of the Whig party had strenuously denounced the perversion of the Federal civil service to partisan purposes under President Jackson, but when they obtained control of the government, under President Harrison, they found the temptation irresistible to accept the spoils system and to use it to the advantage of their own party.

Acceptance by Whigs and Democrats

Thus by 1840 both great parties had accepted the spoils system, including the principle of rotation in office. For half a century they continued to act upon the assumption that when the people voted to change

[1] Bryce, II, 136.

a party administration they voted to change every person of the opposite party who held a government position, including not only the President and heads of departments, but the clerks in practically every bureau, the messengers at every door, the porters and carters of every warehouse, the keepers of every light-house, the rowers of every custom-house boat, the washers of floors at posts on the frontier, the makers of fires in every public building in the country.[1] For positions in the civil service came to be looked upon as intrenched outposts of the party, to be manned by valiant warriors and to be barricaded against opponents; nor this alone, but also asylums for broken-down henchmen and sally-ports for carrying elections.[2]

***Essential features* of spoils system**

Concisely stated, then, the essential features of the spoils system are as follows: "No term for more than four years; the tenure, removal at pleasure; offices and salaries, the spoils of party warfare; rotation, in order to give offices to as many servile partisans as possible; appointments and removals for political reasons. . . ." [3]

Spoils system prevalent in State and municipal governments

The spoils system has been by no means confined to the national civil service. It has flourished and still flourishes wherever there is patronage to distribute, whether in the local, State, or national government. Until recently people have very generally overlooked or condoned its existence in State and local politics. Nevertheless, it had been systematically developed first in connection with the State gov-

[1] George William Curtis, *Orations and Addresses*, II, 121.
[2] Lalor, III, 786.
[3] *Ibid.*, 900.

ernment of New York and Pennsylvania, and appears to have been imported by New York politicians into Federal affairs. Essentially the same opportunity exists in State and local governments for the application of the spoils system and rotation as in the Federal Government, though on a less extensive scale. Every elected State officer has at least some patronage at his disposal. Even the State Legislatures, especially in the larger States, have within their gift a large number of positions. For example, there are sergeants-at-arms and assistant sergeants-at-arms, principal doorkeepers, first and second assistant doorkeepers, journal clerks, executive clerks, index clerks, revision clerks, librarians, messengers, postmasters, janitors, stenographers and messengers to the various committees, and assistants, first and second, too numerous to mention.[1]

Our large cities furnish even more important opportunities for the spoils system. They have been compared to richly laden treasure-ships in an ocean swarming with pirates. If they have been manned in accordance with the spoils system, their officers and men have been selected and appointed by the captains of the pirates. The plunder that can now be obtained by gaining the control of a State or city government is so enormous that whenever there is a chance to capture it the effort is sure to be made, and made for wicked and dishonest purposes.[2]

With the foregoing outline of its origin and exten-

[1] Beard, 668.

[2] Charles Richardson, in National Civil Service Reform League *Proceedings* (1903), 76.

sion, we may now consider the actual operation and evil effects of the spoils system in practical politics and government. These can be studied most satisfactorily in connection with the Federal civil service, but two points must be constantly borne in mind, namely, that essentially the same practices exist in State and local politics and that essentially the same evils have here been fraught with even more serious consequences than in the Federal civil service.

Senators and representatives become "office brokers"

From a body of less than three hundred officials at the organization of the Federal Government, the national civil service has, with the growth of governmental business, expanded into a body of nearly five hundred thousand officials and employees.[1] Since thousands of these are appointed directly by the President and heads of departments, it has long been and still is impossible for those high officers, few in number and burdened with a multitude of duties, however good their intentions, to make a thorough personal investigation into the character and qualifications of the army of applicants for government positions. The appointing officers have been compelled to rely upon the recommendations of others. Senators and representatives, when in attendance upon Congress, are readily accessible and are usually in a position to know the qualifications of candidates from their States or districts. It was very natural, then, that the President and heads of departments should come to rely very largely, if not exclusively, upon the recommendations of members of Congress almost as soon as the spoils system had been transplanted into

[1] *33d Annual Report of the U. S. Civil Service Commission* (1915–16).

national affairs. Thus members of both houses of Congress became the natural go-betweens for the executive and aspirants for Federal offices. They became virtually office brokers. An immense amount of political power was thus placed in their hands, and they were not slow to make use of it for personal and party ends. Senators profited more than representatives, inasmuch as many appointments required confirmation by the Senate before taking effect. Often no members of Congress from a State belonged to the administration party, or there might be local factions within the party hostile to the congressional delegation; and in such cases other means of information had to be sought. This was done in different ways by different Presidents under different circumstances: (1) by writing to some man of great local influence; (2) by seeking the advice of the governor or State political leader or "boss"; and (3) by consulting delegations sent to Washington to intercede.[1]

The "courtesy of the Senate"

Just as the President came to rely more and more upon the representations of members of Congress, so the Senate as a whole came to rely upon the recommendations of the senators from the State where an appointment took effect. As a body, the Senate had no time in which to conduct a thorough investigation of each nomination presented to it for confirmation. So the practice known as the "courtesy of the Senate" arose. According to this practice, if the senators from the State concerned in a certain appointment approved of the person nominated, the Senate confirmed the appointment as a matter of course; and

[1] C. R. Fish, *op. cit.*, 175.

likewise refused confirmation if the nomination was objected to by the senators from the State concerned. As a result, a United States senator became a sort of feudal lord in the distribution of Federal patronage within his State. The possession of this enormous power made it easily possible for him to build up a strong political machine. Representatives shared in this accession of extra-constitutional power in only a less degree. Even now any one at all familiar with practical politics can recall instances of the influence exerted by senators and representatives in the matter of Federal appointments, although, as a result of recent reforms, their power in this respect has been greatly curtailed.

Outside influences often determine State and municipal appointments

A practice not essentially different exists in the case of appointments to minor State offices. The executive officers of the State are influenced in making their appointments by the wishes and recommendations of the members of the legislature, and of persons holding no State office, but possessed of great political influence; as, for example, the United States senators or the so-called local or State bosses. In municipal politics the officers nominally vested with the power of appointment pay great heed to the recommendations or wishes of the city boss and of ward and district workers. The result is the same in national, State, and local politics; the appointing officer follows his own inclinations in comparatively few cases, but uses his power of appointment either to strengthen his party organization in accordance with the recommendations from outside sources or to further his own personal ambitions.

Defense of spoils system

The strongest argument put forward in defense of the system runs substantially as follows: Political parties have come to stay. To be permanently effective they must develop a durable and widely extended organization. This can be secured only by having a regular staff of party workers or professional politicians, who shall make the conduct of party affairs their main business or chief avocation. This staff cannot be secured and maintained without compensation of some sort, since it is recruited for the most part from men of small means or none at all. The patronage of the government is the natural fund for such payments, and the easiest and most effective way of maintaining the necessary degree of organization. Without this "cohesive power" of the spoils system political parties must rapidly undergo dissolution, and the country would soon be deprived of the inestimable blessing of party government. Little or nothing is heard nowadays of the defense so common when the spoils system first appeared in national politics, that the system is essential to the continued existence of democratic government. The country at large has come to hold directly the opposite view.

Public sentiment toward the spoils system greatly changed

Within the past thirty years a marked change has taken place in public sentiment regarding the spoils system, especially in national politics. Open and avowed defenders of the system among men holding high position in Federal affairs are exceedingly rare. Such defenders as the system has are to be found almost wholly in the ranks of machine politicians, whose chief sphere of activity is State and municipal politics. The same change of sentiment is beginning

to appear in connection with municipal civil service, but as yet State governments have been only slightly affected by it, and there the spoils system persists comparatively unchecked.

A change of sentiment at once so profound and far-reaching was not the result of any sudden popular whim. It is a permanent conviction produced as the result of a slow, persistent education of public sentiment, accompanied by the presentation of clear and convincing evidence that evils of a most serious nature had developed under the system and are inseparable from it. These evils of the spoils system may, for the sake of convenience, be grouped in two main divisions: first, the *evils appearing in the quality of official services;* and, second, the more distinctively *political evils.*

***Evils* appearing in the quality of official services: (1) Character and efficiency of officials undermined**

(1) The efficiency and character of office-holders whose training and natural inclinations would make them otherwise efficient, as well as their fidelity to the public service, are inevitably undermined by the spoils system. In place of a faithful and efficient civil service, based upon merit and experience, we have a corps of political intriguers whose first concern is with ways and means of retaining their places by rendering political services to the party managers. Under such conditions public offices soon cease to be regarded as public trusts, and the work of the government suffers by neglect or inefficiency.

(2) The waste involved in frequent removals

(2) Even assuming that the character of the officials in the civil service is all that could be desired under the spoils system, the frequency of removals seriously impairs the quality of the service rendered.

The magnitude of this evil in the Federal civil service may be inferred from the case of the New York custom-house when the spoils system was at its height. One collector there in the four years from 1858 to 1862 removed 389 out of 690 subordinates; another, of the opposite party, in the three and one-half years next following removed 525 out of 702 of those serving under him. Nearly all of these removals were for partisan purposes. In the five years, or 1,565 secular days, preceding the year 1871 there were 1,678 removals, and nearly all for merely partisan reasons; or more than at the rate of one every secular day for five years.[1] Describing conditions in the late seventies, a collector at the port of New York stated that under his three immediate predecessors more than one-fourth of the persons employed were removed every year. During the three years of one of these predecessors, out of 903 officers 830 were removed. Another predecessor made 338 removals in eighteen months, although there had been no change of party administration. Another made 510 removals in sixteen months. The terms of these three predecessors did not exceed six years altogether, averaging 230 removals per year in the custom-house alone out of about 1,000 employees.[2] Taking the entire country, the waste caused by the frequent bringing in of inexperienced persons was enormous.

(3) Officials once installed in office through favoritism and political influence, and proving inefficient or otherwise unworthy, can, under the spoils system,

[1] Lalor, III, 569.

[2] G. W. Curtis, *Orations and Addresses*, II, 128.

be removed only with the greatest difficulty. The same political influence or party service which secured for them appointment, in the first place, is powerfully and often effectually exerted for their retention in office when the good of the service demands their dismissal.

(3) The difficulty in removing incompetents

(4) Men of the best character and of superior qualifications are kept out of the public service by the spoils system. When the essential requirements to secure an appointment are an elastic conscience, unlimited obedience to the commands of political leaders, success as manipulators of conventions or as workers at the polls, the men who would be most desirable as officials or employees are excluded.[1]

(4) The virtual exclusion of the best men from office-holding

In enumerating the *political evils* of the spoils system, one should note (1) that as the spoils system developed in the Federal civil service it resulted in virtually amending the Constitution, or at least in violating its spirit. The power of appointment is vested in the President or heads of departments, except as otherwise provided by act of Congress. With the growth of the civil service and the adoption of the "courtesy of the Senate," the real power of making appointments was transferred to the members of Congress, and especially to the Senate. The function of the President and heads of departments in this matter was reduced to little more than that of attaching their signatures to the commissions of appointees practically named by Congress. In other words, under the spoils system in national politics there is a marked tendency of the legislative department to

Political evils of spoils system are seen: (1) In encroachment of the legislative upon the executive

[1] See *ibid.*, 375.

encroach upon the province or to usurp the power of the executive department. As President Garfield said: "The spoils system invades the independence of the Executive, and makes him less responsible for the character of his appointments." [1]

(2) The neglect of legislative and executive duties

(2) The spoils system makes unreasonable demands upon the time of the President, heads of departments, congressmen, and senators, compelling them to neglect their proper executive or legislative duties. Referring to this fact, President Garfield, when a member of the House, stated that "one-third of the working hours of senators and representatives is hardly sufficient to meet the demands made upon them in reference to appointments for office." [2] Furthermore, another reliable authority states that at least one-third of the time of President Garfield himself was absorbed by applicants for office, and that more than six-sevenths of the calls made upon one of his cabinet officers during a period of three months were for office-seeking.[3]

(3) The creation of professional politicians

(3) The spoils system has been more responsible, perhaps, than any other single factor in creating the class of professional politicians and political bosses which has been such a force for evil in local, State, and national politics.

(4) Restriction of the number of available candidates

(4) The existence of the spoils system tends seriously to restrict the field of available candidates for the *elective* offices. Personal merit is not wholly ignored, nor public opinion needlessly affronted, but ordinarily candidates are regarded as available in the

[1] Quoted in Lalor, III, 141. [2] *Ibid.*
[3] *Ibid.; Atlantic Monthly*, XL, 49 (1877).

ratio of their adroitness in using patronage to bribe voters, to reward electioneers, to buy the press, and to conciliate opponents and rivals.[1]

(5) The spoils system tends directly to increase the cost of administering the government, and this additional cost must be met by increased taxation. Legislative bodies, to mention only one example, have frequently yielded to the temptation to create new offices or positions as a means of strengthening the party, or to burden these offices and old ones with superfluous officials. One cabinet officer complained some years ago to a congressional committee that he was obliged to keep seventeen persons in his department whom he did not want, although one man could have done the same amount of work and have done it better than the seventeen.[2]

(5) Enhanced cost of administering the government

(6) The spoils system tends to deprave and distort the spirit and mechanism of politics. Wherever it prevails, there is a strong tendency to convert a campaign into mere place-hunting. Offices becoming the reward of party services, the whole machinery of the party is made to serve as its main object the getting and keeping of offices. Hence we have one of the chief motives which result in the packing of primaries, machine-managed conventions, and election frauds. From a free popular choice between different policies of administration or legislation elections tend to degenerate into a contest for personal advantage between rivals for the control of patronage.

(6) Lower tone of political contests

(7) The spoils system places the party which is

[1] Lalor, III, 140.

[2] *14th Annual Report, U. S. Civil Service Commission*, 39 (1896–7).

(7) Creation of an office-holders' "machine"

victorious in a national, State, and local election in a position virtually to convert the government into a great political machine, since it places at the disposal of that party, however corrupt, a horde of creatures in every town, county, and State, bound to fight for the defense and continuance of the machine.[1]

(8) Levying political assessments

(8) The threat or fear of removal has been made effective for extorting from office-holders political assessments or forced contributions to party campaign funds. When this practice was tolerated in the Federal civil service neither pecuniary position, age, nor sex found mercy with party managers. Every one who figured on the pay-roll of a public department was put under contribution—office boys, dock-laborers, washerwomen, not to mention a host of others.[2]

(9) Virtual substitution of oligarchic for democratic government

(9) People are tardily coming to see that, instead of being essential to democratic government, the spoils system is undemocratic. Democracy implies political equality of citizens, and is opposed to favoritism and privilege. The spoils system creates a distinct political class with an immediate personal, selfish class interest in politics which is not shared by the rest of the community. The whole management of political affairs gradually slides and falls into the hands of this oligarchy. The ordinary citizen, however meritorious, stands little if any chance of holding public office unless he subscribes to the terms laid down by the small tyrants called bosses who dominate these oligarchies. Such surrender renders the citizen no longer the equal but virtually the vassal of the boss.

[1] H. C. Lodge, in *Century*, XL, 837 (1890). [2] Ostrogorski, 69.

(10) In spite of the fact that the spoils system is a powerful instrument for the strengthening of political machines, it is at the same time a potent source of party weakness. When the party chiefs come to distribute the spoils, there is sure to be disappointment. Ten applicants are disappointed to every one that is gratified. The "knife is up the sleeve" with those who have been given promises that cannot be realized. Personal feuds and factional strife arise and the harmony of the party is disturbed. Congressmen of the party out of power do not have one-half as much trouble in keeping harmony in their districts as those who have the hateful task of distributing post-offices and revenue collectorships.[1]

(10) Undermining the strength of party organization

(11) The spoils system depreciates the moral standards of the country. "The spoils motive in politics appeals to cupidity, avarice, selfishness, not to patriotism; consequently the selfish, the avaricious, the unscrupulous press forward and scramble for place, while those to whom higher motives appeal retire." [2] Then, too, the example of Presidents,[3] governors, and mayors practically buying legislative support for measures which they favor by the promise of office can have no other effect than to lower the moral tone of the community, State, and nation. This practice has been characterized as "one of the most palpable and dangerous forms of bribery." Likewise the power of awarding valuable government contracts, incident to many offices, tends to produce the same

(11) Lowered moral standards of the people generally

[1] Woodburn, 386.

[2] *Ibid.*, 384.

[3] For an example of such a use of Federal patronage in Lincoln's administration, see C. A. Dana's *Recollections of the Civil War*, 174 ff.

result, for it opens up a wide range of opportunities for that species of dishonesty in politics which we have recently come to call "graft."

QUESTIONS AND TOPICS

1. Office-seeking and removals under Washington, John Adams, and Jefferson.
2. The debate in Congress in 1789 over the power to remove heads of departments.
3. The circumstances surrounding John Adams's removal of Timothy Pickering in 1800 and Jackson's removal of W. J. Duane in 1833.
4. The New York council of appointment and the beginnings of the spoils system in New York.
5. The growth of the Federal civil service between 1789 and 1820.
6. The debates over the four-year-term act of 1820 and the attempts to repeal it in 1835. (See *Register of Debates in Congress.*)
7. Office-seeking and the spoils system under Jackson and Van Buren.
8. Early development of the doctrine of rotation in office. (See Fish.)
9. With whom, and under what circumstances, did the political phrase, "to the victors belong the spoils," originate?
10. Office-seeking and the spoils system under Lincoln. (See Fish, C. A. Dana's *Recollections of the Civil War*, and Rhodes.)
11. The history of the tenure-of-office act, 1867–1887.
12. The spoils system in the Southern States during the Reconstruction period.
13. The Garfield-Conkling episode in New York politics in the early eighties.
14. How many and what offices are affected by the spoils system in your own town, county, and State? In the largest cities of your own State?
15. Tabulate the appointive offices or positions in the Federal Treasury Department. (See the *Official Register.*)
16. The appointment of House and Senate officials in Congress.

17. The spoils system in England in the age of Walpole. (See Eaton, Lecky's *England in the Eighteenth Century*, and other English histories and biographies.)

18. The spoils system in England in the reign of George III. (See *Correspondence between George III and Lord North* and *Century Magazine*, LXXVI, 304.)

19. The alleged use of patronage by President Taft to influence legislation in the 61st Congress. (See Bourne and *Rev. of Rev.*, XLIII, 259.)

20. Office-seeking and the spoils system, 1850–1860.

21. The spoils system as seen in connection with legislative appointees or the legislative "padded pay-roll."

22. The use and abuse of the power of appointment and removal in municipal governments. (See Munro.)

23. The investigation of corruption in Buchanan's administration by the Covode commission (1860).

24. Senator Gallinger's invocation of the "courtesy" rule to defeat the appointment of Mr. Rublee to the Federal Trade Commission, 1916.

25. Alleged nepotism in the Federal civil service during the Wilson administration.

26. To what extent were contributors to the Democratic campaign fund of 1912 appointed to Federal offices by President Wilson? (See Philadelphia *Public Ledger*, March 28, 1915.)

27. Secretary Bryan and the appointment of "deserving Democrats" to positions in San Domingo.

BIBLIOGRAPHY

Adams, H. B., "Civil Service Reform," in *No. Am. Rev.*, CIX, 443 (1869). On the spoils system under President Grant.

Atlantic Monthly, CXIII, 433 (1914), "The Last Refuge of the Spoilsman." On spoils in the diplomatic service under President Wilson.

Bourne, Jonathan, Jr., "Federal Patronage," in *Congressional Record*, February 27, 1911.

Bryce, James, *The American Commonwealth*, II, ch. 65 (4th edition).

Century, XLVIII, 306 (1894), "The Consular Service and the Spoils System."

Clarkson, J. S., "The Politician and the Pharisee," in *No. Am. Rev.*, CLII, 613 (1891).

Curtis, George W., *Orations and Addresses*, II.

Dawes, H. L., "Garfield and Conkling," in *Century*, XLVII, 341 (1893–94).

Debates and Proceedings of Congress, usually cited by the binder's title, *Annals of Congress.*

Dickson, W. M., "The New Political Machine," in *No. Am. Rev.*, CXXXIV, 40 (1882). A defense of the spoils system.

Eaton, D. B., articles in Lalor's *Cyclopædia*, etc., entitled, "The Spoils System," "Removals from Office," "Term and Tenure of Office," and "Patronage."

—— *Civil Service in Great Britain.* (1880.) In *House Executive Documents*, 2d session, 46th Congress, XII, No. 1, pt. 7.

—— *The Spoils System and Civil Service Reform in the Custom-House and Post-Office at New York.* (Pamphlet, 1881.)

Fish, C. R., *Civil Service and the Patronage* (1905).

—— "Removals from Office by the Presidents of the United States," in Am. Hist. Assn. *Reports*, I, 67 (1899).

—— "Lincoln and the Patronage," in *Am. Hist. Rev.*, VIII, 53 (1902–03).

Gitterman, J. M., "The Council of Appointment in New York," in *Pol. Sci. Quar.*, VII, 801 (1892).

Goodnow, F. J., *Politics and Administration*, ch. 5.

Harvey, George, "The Diplomats of Democracy," in *No. Am. Rev.*, CXCIX, 162 (1914). On appointments under President Wilson.

House Reports, 2d session, 56th Congress, III, No. 2978 (1901). On employees in the House of Representatives.

Hunt, Gaillard, "Office-Seeking during Washington's Administration," in *Am. Hist. Rev.*, I, 251 (1895–96).

—— "Office-Seeking under John Adams," in *Am. Hist. Rev.*, II, 241 (1896–97).

—— "Office-Seeking during Jefferson's Administration," in *Am. Hist. Rev.*, III, 270 (1897–98).

Illinois Legislative Voters' League, *The Assembly Bulletin*, IX, No. 24 (1915), "Padding the Payrolls in the 1915 Session."

Jackson, Andrew, "First Annual Message," in Richardson's *Messages and Papers of the Presidents*, II, 442.

Jenckes, T. A., *Report from the [Congressional] Joint Select Committee on Retrenchment* (1868).

McBain, H. L., *De Witt Clinton and the Origin of the Spoils System*, in Columbia University *Studies*, XXVIII (1907).

McLaughlin and Hart, *Cyclopedia of American Government*, III, 372, "Spoils System."

Merriam, J. M., "Jefferson's Use of the Executive Patronage," in Am. Hist. Assn. *Papers*, II (1887).

Munro, W. B., *The Government of American Cities* (1912), ch. 9.

Nelson, H. L., "The Overshadowing Senate," in *Century*, LXIV, 169, and LXV, 499 (1902).

Official Register of Persons in the Civil, Military, and Naval Service of the United States.

Ostrogorski, M., *Democracy and the Organization of Political Parties*, II (1902). (See index.)

—— *Democracy and the Party System* (1910).

Outlook, The, C, 722 (1912), "Patronage in Politics." In the pre-convention Presidential campaign of 1912.

—— CVI, 533 (1914), "The Diplomatic Service: Its Organization and Demoralization." On conditions under President Wilson.

Pendleton, G. H., *Report from the Committee on Civil Service and Retrenchment.* In *Senate Reports*, 1st session, 47th Congress, No. 576 (1882).

Platt, T. C., "Autobiography of Senator Platt," in *McClure's*, XXXV, 317 (1910). On Garfield-Conkling feud in New York.

Poltow, A., "Electoral Corruption in England, in the Old Days," in *No. Am. Rev.*, CLXXXII, 275 (1906).

Register of Debates in Congress, 1825–37.

Review of Reviews, XLIII, 259 (1911), "Patronage and Prestige."

Richardson, C., "The Spoils System in Philadelphia," in National Civil Service Reform League *Proceedings* (1892), p. 84.

Richardson, J. B. (compiler), *Messages and Papers of the Presidents*, 10 vols. (See index.)

Salmon, Lucy M., *Syllabus for the Study of the History of Civil Service Reform.* (Pamphlet.)

—— "History of the Appointing Power of the President," in Am. Hist. Assn. *Papers*, I (1886).

Shaw, A. M., "The Public Schools of a Boss-Ridden City" (Philadelphia), in *World's Work*, VII, 4460 (1904).

Stickney, A., *Organized Democracy*, 118 ff. On Lincoln's use of the patronage.

Tyler, L. G., *Parties and Patronage in the United States* (1891).

Whitbridge, F. W., "Rotation in Office," in *Pol. Sci. Quar.*, IV, 279 (1889).

Woodburn, J. A., *The American Republic* (1903), 183–189.

—— *Political Parties and Party Problems* (1914), ch. 18.

Woolley, R. W., "The Race for Federal Jobs," in *World's Work*, XXV, 552 (1913).

United States Civil Service Commission, "Evils of the Spoils System," in *14th Annual Report* (1896–97), pp. 35 ff.

—— "Practice of the Presidents in Appointments and Removals, 1789–1883," in *15th Annual Report* (1897–98), pp. 441 ff.

—— "List of References to the History of the Merit System," in *27th Annual Report* (1909–10), pp. 164 ff.

CHAPTER XV

CIVIL SERVICE REFORM. HISTORY OF THE MOVEMENT. THE CIVIL SERVICE ACT OF 1883. ECONOMIES AND POLITICAL BENEFITS OF THE COMPETITIVE SYSTEM

The spoils system is destined to disappear, and along with it will pass away most of its attendant evils. Already the system has been very extensively superseded in appointments to the Federal civil service. In the State and municipal governments the worst evils of the system still linger. Nevertheless, these evils will gradually be eliminated with the slow but persistent progress of the civil service reform movement.

Civil service reform opposed to spoils system

This movement is opposed to the theory which regards places in the public service as prizes to be distributed after an election, like plunder after a battle. It is opposed to the theory which perverts public trusts into party spoils, making public employment depend upon personal favor and not on proved merit.[1]

The name "civil service reform" is in itself misleading, for the real intent of the movement is not to reform the civil service, but to change the mode by which its places are filled. The chief purpose is to take the routine, non-political offices of the government out of politics, where they ought never to

[1] G. W. Curtis, *Orations and Addresses*, II, 502.

have been, by providing some method of filling them which is at once fair, non-partisan, and disinterested.[1]

Aims of civil service reformers

Stated broadly, the aims of civil service reformers have been to take out of political contests all inducement to mere office-seeking, and, especially in the case of the Federal Government, to restore and preserve the independence of the legislative and executive departments, which the Constitution was careful to keep distinct. As a means of accomplishing this, these reformers seek to establish a process by which the offices shall be filled upon tests of merit, and not as mere rewards for party or personal service. "The goal of civil service reform," says President Eliot, "is a public service, national, State, and municipal, exclusively composed of men, each of whom possesses the knowledge and skill needed for his own task, well disciplined, devoted to their work, and to the public authority which employs them, and regarding their occupation as an honorable and satisfactory life career." This reform of the civil service has been called "the fundamental governmental reform, the reform on which all other improvements in national, State, and municipal administration depend." Certainly the efficiency of all governmental services in their present complexity and vastness depends upon the wide adoption of some system of selection and promotion based upon merit and proved capacity.

Earliest attempts to reform civil service

The establishment of such a system for positions in the Federal civil service dates from the enactment of the so-called Pendleton, or civil service, act of 1883. Prior to this date two unsuccessful and short-lived

[1] Henry Cabot Lodge, in *Century*, XL, 838 (1890).

attempts had been made to abolish the evils of the spoils system.[1] Between 1851 and 1853 the question of efficiency in the civil service was discussed in two reports to the Senate, and it was recommended that examinations be held for the lowest grade of clerkships and that all vacancies above these, except the chief clerkships, be filled by promotion.[2] Following these suggestions, acts were passed by Congress in 1853 and 1855 subjecting to examination (1) all persons in the departments at Washington receiving salaries between $900 and $1,800 a year; (2) subordinate officials in the customs service at eleven ports; and (3), in twenty-three post-offices, positions under postmaster, not including mere laborers or workmen. In all, nearly 14,000 positions were affected by this legislation.[3]

The character of these examinations, however, depended entirely on the discretion of the head of the department concerned. Inasmuch as he was also the appointing officer and the one upon whom fell the pressure of politicians in a period when the spoils system was flourishing, the examinations amounted to little. They were not competitive and were conducted independently in each office. One candidate was examined at a time, and no means was afforded of comparing the merits of one applicant with another. Some of the questions asked of candidates

[1] It should be noted that as early as 1841 a committee of the House of Representatives had proposed the adoption of preliminary examinations for those desiring to enter the civil service. *House Reports*, 2d session, 27th Congress, No. 741, vol. IV, pp. 1–5, quoted in *15th Annual Report, U. S. Civil Service Commission*, pp. 465 ff.

[2] Carl Russell Fish, *Civil Service and the Patronage*, 183.

[3] F. T. Doyle, in *Forum*, XIV, 219 (1892–93).

show that the examinations were a farce: "Where would you go to draw your salary?" "How many are four times four?" "What have you had for breakfast?" "Who recommended your appointment?" [1] An eye-witness of one of these examinations in one of the departments at Washington after the war says that the candidate then being examined by the postmaster-general was questioned and cross-questioned, not as to his capacity for doing the work, but as to what ticket he had voted, how many years he had voted it, what he had done and could do for the party then in power, and what his influence was with his race. The course of the examination lasted twenty minutes. The person thus examined was an ignorant negro, an applicant for a postmastership in the South.[2] Examinations of this character are usually called "pass" examinations in order to distinguish them from the system of competitive examinations inaugurated in 1883. Partisan politicians, it is needless to say, made very little objection to mere pass examinations, and the evils of the spoils system went on practically unchecked.

Real beginning of reform

The real starting-point of civil service reform in this country was the report of Hon. Thomas A. Jenckes, chairman of a joint select congressional committee, submitted to Congress in May, 1868. Up to this time the evils of the spoils system were well understood, but few apparently had given serious thought regarding the remedy. People seemed to have concluded, in a characteristic American way,

[1] Quoted in A. B. Hart's *Actual Government*, 289.
[2] W. W. Vaughn, *Every Man on His Own Merits* (pamphlet), 7.

that the trouble was inherent in our political system; or, if not inherent, that it had become so firmly implanted that it could not be removed, that to complain was useless, and that we should go ahead and make the best of it. There was so little knowledge of or interest in civil service reform when Mr. Jenckes began his agitation that he was, "like Paul in Athens, declaring the Unknown God." [1]

Being a lawyer of marked ability, a man of wealth, and belonging to a family of much local consideration, Mr. Jenckes had assumed a position of importance from his first entrance into the House of Representatives in 1863. He had made a careful study of the civil service in China, Prussia, France, and especially in England, and in his elaborate report he furnished a mass of information upon the subject, including the views of many officials in different branches of the service upon the practical nature of the reforms proposed, and copious extracts from the press favoring the bill which accompanied the report.[2] This bill was intended to adapt to American conditions the best points in the foreign systems investigated. It was, however, too novel and too sweeping in its recommendations to avoid defeat, but its defeat was accomplished only after a serious struggle.[3]

The contest for civil service reform had only just begun. Slowly the subject enlisted popular interest. The first victory came in March, 1871, when the civil service reformers succeeded in attaching to an ap-

[1] S. S. Rogers, in *Atlantic Monthly*, LXXI, 17 (1893).

[2] *Ibid.*

[3] Joseph H. Choate, *Twenty-Five Years of Civil Service Reform.* (Pamphlet.)

Competitive examinations first authorized in 1871

propriation bill a brief section which authorized the President (1) to cause proper steps to be taken for ascertaining the fitness of candidates in respect of age, health, character, knowledge, and ability for entering the public service; (2) to make rules for its regulation; and, in effect, (3) to create a civil service commission to take charge of the examinations and aid in the work of reform under the President's direction. This legislation intrusted the whole matter of reform to the discretion of the President.

Progress of reform under President Grant

President Grant, who had recommended this legislation in his message of 1870, at once appointed George William Curtis and six other gentlemen a commission to conduct the inquiries authorized by the act and to prepare and report to him a working plan for instituting the much-needed reform in the national administration. The commission's report to the President, submitted in December, 1871, was promptly transmitted to Congress with the President's favorable indorsement. The report was prepared by Mr. Curtis and contained a most thorough and convincing presentation of the entire subject of reform, considering and answering every plausible objection.[1]

The regulations drawn up by the commission, calling for open competitive examinations, went into operation in April, 1872, in the Federal offices in New York City and the departments at Washington, and remained in effect until March, 1875. During this period President Grant attempted to extend the operation of the new rules to all customs ports, but

[1] *Senate Executive Documents*, 2d session, 42d Congress, I, No. 10 (December 19, 1871).

failed because the officials at those ports were either hostile or indifferent to the new system. It quickly became evident that the reform thus inaugurated was not acceptable to the party leaders and that it would encounter the fierce opposition of the machine politicians, especially in New York. This opposition succeeded, against the vigorous protest of the President, in cutting out all appropriation for the continuance of the system. As a result, early in 1875 the system of competitive examinations was suspended by executive order, thus apparently suppressing the reform. Nevertheless, this brief and limited experiment with the system was not a failure. President Grant informed Congress that the new methods of appointment had "given persons of superior character and capacity to the service" and "that they had developed more energy in the discharge of duty." [1]

President Hayes also favored civil service reform

President Hayes entered upon his duties strongly committed to civil service reform, but he was able to accomplish little because of the determined opposition in Congress. Nevertheless, another beginning of reform was made during his administration. The introduction of the competitive system into the New York post-office and custom-house was ordered by the President without waiting for action by Congress.

Indications of a strong public sentiment favorable to civil service reform were not lacking during the administrations of both President Grant and President Hayes, and politicians were beginning to cater to this sentiment. By 1872 public interest led the

[1] Quoted in Lalor, I, 479.

Growth of sentiment favorable to reform shown in party platforms after 1872

politicians of all parties to insert in their national platforms of that year some sort of declaration favorable to reform. The first national platform in which such a plank appeared was that of a small party called the Labor Reformers. Their platform declared "that there should be such a reform in the civil service of the National Government as will remove it beyond all partisan influences and place it in the charge and under the direction of intelligent and competent business men; . . . that fitness, and not political or personal considerations, should be the only recommendation to public office, either appointive or elective, and any or all laws looking to the establishment of this principle are heartily approved." The platform of the Liberal Republicans, later indorsed in full by the Democratic party, contained a stinging arraignment of the spoils system under President Grant and an even more insistent demand for reform. After these two official party utterances, the Republicans felt compelled to act, and accordingly inserted in their platform a lukewarm indorsement of civil service reform. Several State conventions of various parties soon did likewise. On the part of both Republicans and Democrats, however, there is good ground for believing that all these indorsements were devoid of sincerity. As soon as the election was over the politicians resumed their attitude of hostility toward the reform. Again in 1876 and 1880 the platforms of the Republican and Democratic parties formally indorsed reform of the civil service. Mr. Curtis was not far wrong when he characterized the Republican platform declarations in 1880 as only "polite bows to the

whims of notional brethren, which it is hoped will satisfy them without committing the party." [1]

Organization of reform associations and Civil Service Reform League

Reluctant and insincere as these platform indorsements may have been, they nevertheless bore some testimony to the growing strength of the reform sentiment in the country at large. In May, 1877, the New York Civil Service Reform Association was formed, and in 1880 it claimed 583 members representing thirty-three States and Territories. Other societies sprang up in Boston, Philadelphia, Milwaukee, San Francisco, and elsewhere; and in August, 1881, a national league was formed at Newport with George William Curtis as president. This was followed by the organization of State societies, and the movement was brought to a fighting stage. The first volume of *Poole's Index*, brought out in 1882, mentions about one hundred articles discussing some phase of the civil service problem.[2]

Passage of Pendleton act of 1883

In December, 1880, Senator Pendleton, of Ohio, introduced into Congress substantially the bill which had been introduced by Mr. Jenckes in 1867. The advocates of the bill declared that it would vastly improve the whole service of the country, which they characterized as being at that time inefficient, expensive, and extravagant, and in many cases corrupt. The bitter factional fights during the early months of Garfield's administration, the assassination of Garfield by a disappointed office-seeker, and the Democratic "landslide" in the congressional elections of 1882 convinced the leaders of the Republican party, then in control of Congress, that the spoils system

[1] For these platforms, see Stanwood, *History of the Presidency*.
[2] Fish, *op. cit.*, 217.

was doomed and that a reform of the civil service must be inaugurated at once and under Republican auspices. Consequently, in January, 1883, Congress passed the Pendleton, or civil service, act, the most effective blow ever dealt at the spoils system in this country. Yet its immediate results gave little promise of the increasing potency which has developed with each succeeding administration since that of President Arthur, when the act went into effect.[1]

This act the basis of present merit system

This act is the basis of the present Federal civil service and the model upon which certain State laws have been drawn. It does not include elaborate details either on appointments or on removals, but authorizes the President to promulgate rules at his discretion. It lays down certain definite principles which create what is called "the merit system" of appointment, in contrast to the old spoils system. The original plan of the civil service reformers dealt with three points: (1) the appointment of the lower-grade officials by competition, (2) the repeal of the law of 1820, and (3) the establishment of retiring pensions. But in the face of the resistance offered to this plan, the last two proposals were abandoned and all the efforts of the reformers were concentrated on the introduction of competitive examinations: this is the essential feature of the changes authorized by the Pendleton act.[2]

The main features of the civil service act of 1883[3] are as follows:

[1] W. B. Shaw, in *Rev. of Rev.*, XXXI, 318 (1905).

[2] Ostrogorski, II, 488.

[3] The civil service act may be found in *United States Statutes at Large*, XXII, 403, or, more conveniently, in the *Annual Report, U. S. Civil Service Commission.*

Provisions of civil service act

(1) Three commissioners were created, not more than two of whom should belong to the same political party, appointed by the President and Senate. This body of commissioners is commonly known as the United States Civil Service Commission. In addition provision was made for a chief examiner of applicants for positions in the civil service, for State boards of examiners, and minor officers.

(2) These commissioners are to "aid the President, as he may request, in preparing suitable rules for carrying this act into effect," and to enforce these rules when duly promulgated.

(3) The rules formulated by the commissioners are to provide for a classification of government officials affected by this act according to the amount of their salaries. The various positions are also classified for purposes of examination into six divisions: clerical, technical, executive, mechanical, sub-clerical, and miscellaneous. Hence places now subject to civil service rules are frequently referred to as the "classified service."

(4) Among other things, the act provided (*a*) that the rules should declare for "open, competitive examinations for testing the fitness of applicants for the public service," such examinations to be practical in their character and fair tests of the relative capacity and fitness of the applicants for the position sought; (*b*) that appointments should be made from among the three applicants standing highest in these competitive examinations, preference, however, being given to honorably discharged veterans; (*c*) that appointments to the Federal offices in Washington

should be fairly apportioned among the citizens of the different States and Territories and the District of Columbia; (*d*) that in all cases there should be a period of probation before final appointment; (*e*) that no person in the government service should use his official authority or influence to "coerce the political action of any person or body."

(5) The rules were first made applicable to the departments at Washington and to custom-houses and post-offices with more than fifty employees, but were not to apply to laborers.[1]

(6) The commissioners must reject any recommendation brought by an applicant for appointment from senators or representatives in Congress, except such as relate to the character and residence of the applicant.

(7) The act prohibited the solicitation by any government official of contributions to be used for political purposes from persons in the civil service, or the collection of such contributions by any person in a government building, under penalty of fine or imprisonment, or both. The act also provided that no removal should follow refusal to make such a contribution.

(8) The commissioners were directed to keep records, to investigate cases of alleged violation of the laws and rules, and to make an annual report to the President, which was to be submitted to Congress.

(9) The President was authorized by the act to extend these rules to other parts of the civil service

[1] Approximately 23,000 laborers have since been brought under competitive regulations, *Cyclo. Am. Govt.*, I, 284.

at his discretion and to create exceptions to or exemptions from the rules.

Merit system steadily extended since 1883

When the civil service act of 1883 and the rules drawn pursuant to its provisions went into operation they applied to only about 14,000 positions under the Federal Government, out of a total of approximately 110,000. The wider application of the act and rules was left largely to the discretion of the President and to future acts of Congress. The extension of the competitive system has depended, for the most part, upon the will of the President for the time being. Presidents friendly to reform have been disposed to extend the application of the rules, or to "enlarge the classified service," as it is called; while a President friendly to the spoils system may not only not widen the application of the merit system, but may even go so far as to revoke existing rules and to restore all the characteristic evils of the old system. No President, however, has been willing to court the condemnation of intelligent public opinion regardless of party by attempting to undo the work of civil service reform. On the contrary, practically every administration has witnessed some enlargement of the classified service, some wider application of the merit system, some restriction of the spoils system in the Federal administration, until on June 30, 1916, the number of positions in the civil service filled by competitive examinations was over 296,000 out of a total executive civil service of over 480,000; while taking the whole number of public employees in the United States—Federal, State, county, municipal, and village—not far from 600,000, or nearly two-thirds of

the entire number, are withdrawn from the spoils system and appointed upon a merit basis.[1]

Early opponents of civil service reform

Opposition to the introduction of the merit system has generally come almost exclusively from two classes of persons: those who are the direct beneficiaries of the spoils system—that is, the politicians personally interested in its continuation—and those who did not thoroughly understand the nature and operation of the merit system. When the system was first adopted, it was urged, by way of objection, that the system was "un-American"; that it would destroy the independence and constitutional prerogative of the Executive; that it was unconstitutional; that it would be an unjust interference with the rights of office-holders as citizens; that it would lead to political indifference on the part of the public and so to the decay of political parties; that tenure during good behavior would result in the establishment of an aristocratic and insolent bureaucracy; that while competitive examinations might be a test of ability, they would

[1] *29th Annual Report, U. S. Civil Service Commission* (1911–12), p. 38, and *33d Annual Report, ibid.* (1915–16), p. 1.

The 183,401 officials and employees not subject to competitive examinations comprised the following classes:

(*a*) 10,975 Presidential appointees, of whom 9,175 were, 1st, 2d, and 3d class postmasters.
(*b*) 5,447 clerks in charge of contract postal stations.
(*c*) 72,000 clerks in 3d and 4th class post-offices.
(*d*) 8,026 mail messengers.
(*e*) 11,993 star-route, steamboat, and screen-wagon contractors.
(*f*) 4,521 pension examining surgeons.
(*g*) 18,230 engaged in Panama Canal work, chiefly as laborers and minor employees.
(*h*) 28,769 unclassified laborers.
(*i*) 23,440 exempt under "Schedule A" or subject to non-competitive examination. *Ibid.*, p. 1.

tend to give college graduates a monopoly of the offices and would furnish no guarantee of integrity. Not content with arguments, some opponents of civil service reform indulged in ridicule, calling the examinations a "Chinese system," and describing the reformers as "holier-than-thou's" and as "goody-goodies"; while it was very common to nickname the reform "snivel-service reform." [1]

Fortunately the reform and the reformers not only survived, but successfully met and overcame all these attacks. Early the constitutionality of the civil service act was set at rest by an opinion of the attorney-general sustaining the law, and practically none of the dire results predicted have appeared.

Most conspicuous champions of reform

The success of this reform movement may be attributed in a very large measure to the support of advocates of eminence and high character, such as George William Curtis, Carl Schurz, and Theodore Roosevelt, who could invoke the words of Webster and Clay and Calhoun in their assaults upon the spoils system and in defense of reform measures. Then, too, the work of Dorman B. Eaton on the civil service of Great Britain had a profound influence in creating sentiment favorable to the reform. The work of these men was ably reinforced by the powerful influence of the press and by the skilful drawing of the provisions of the civil service act, largely the work of Mr. Eaton, which has scarcely been amended down to the present day. Finally, the merit system, for the most part, had the cordial approval of the

[1] See A. W. Tourgée, in *No. Am. Rev.*, CLXXXII, 305 (1881), and Edwin Erle Sparks, *National Development, 1877–1885*, p. 195.

heads of the important offices subject to it, and this factor has been of prime importance in contributing to the success of the reform.[1]

Present-day *opponents* of reform

Nevertheless, the enemies of reform are still numerous. The machine politicians who profit by the spoils system have not yet surrendered. Scarcely a year passes in Congress without some attempt in the House committee of the whole to strike out the appropriation for the support of the Civil Service Commission or without some other insidious attack. In spite of this, the resistance to Federal civil service reform is seldom open and outspoken. Generally it is more or less private, and this fact testifies to the enormous advance which the reform has made among thinking people and politicians. Where conviction is absent fear of unlimited public condemnation will in all probability operate in the future, as it has operated in the past, to prevent the undoing of the reforms which have been achieved during the past thirty years. This belief finds support in the fact that the thinking and disinterested public has come to appreciate the beneficial results flowing from the steady extension of the merit system. These results fall naturally into two main divisions, economic and political.

***Economic* benefits of civil service reform**

The *economies* effected by the competitive system of selection and promotion in the Federal service are numerous and various: (1) fewer people are needed to do a given amount of work; (2) sinecures are detected and abolished; (3) a day's work is got for a day's pay; (4) superfluous work and offices are no

[1] W. I. Foulke, in *Proceedings* (1903).

longer created in order to make places for henchmen; (5) all labor is more efficiently performed; (6) the waste caused by the frequent bringing in of inexperienced persons is prevented; (7) a reduction in force often accompanies increase in the amount of work done—in other words, there is often increased efficiency with fewer employees. Although it is obvious that these economies can never be estimated with precision in dollars and cents, nevertheless the Civil Service Commission has calculated that there is a saving to the government amounting to $15,000,000 a year.[1]

Political benefits: (1) reduction of political favoritism in appointments

The chief *political benefits* have flowed (1) from a substitution of an open "competition of capacity, attainments, and character for an otherwise secret and inevitable competition of partisan and official influence, of solicitation, of threats, and of selfish interests." Competitive examinations reduce the whole matter of getting into the subordinate public service to a procedure of great simplicity and justice. "The official having the appointing power can say to every importunate applicant and his backers: Go into the examination; if you show yourself among the most worthy, you may get an appointment in due time. If you are not among them, you deserve no place. That is all that I can do for you. Office-seeking is thus defeated by being made futile. The merits of the applicant, and not his begging, his threats, or the pressure of his backers, is what must give him a place." [2] Competitive examinations are not infalli-

[1] C. W. Eliot, *The Fundamental Reform.* (Pamphlet.)
[2] Dorman B. Eaton, in Lalor, I, 485.

ble, but they are better tests of fitness than the prejudices, friendships, and personal and political interests of men in public life.

(2) Abolition of political assessments

(2) Another beneficial political result of the civil service act has been the practical eradication of the evil of assessment of government employees for party campaign funds. Such cases as are brought to the attention of the Civil Service Commission from time to time are promptly investigated and the facts reported to the President, who has almost uniformly sustained the recommendations made by the commission. Two striking instances of recent occurrence will illustrate this: the finance clerk in the Philadelphia post-office was removed for collecting political assessments for the Republican party in the midst of the campaign of 1904; and more striking still was the removal in 1908, in the height of the excitement of the Presidential campaign, of the collector of customs at Port Huron, Michigan, and of a special treasury agent at the same place for assessing employees, although one of the latter was thought to be a considerable power in Republican politics in Michigan.[1]

(3) Diminished political activity of *competitive* office-holders

(3) A great reduction in the amount of "pernicious activity" in politics on the part of Federal office-holders may be noted as a third political benefit directly traceable to the civil service reform movement. Though materially checked, the evil of political activity has not been extirpated.

Unlike political assessments, political activity is not prohibited by the terms of the civil service act.

[1] Joseph H. Choate, *Twenty-Five Years of Civil Service Reform.* (Pamphlet.)

In the classified *competitive* service political activity is restricted solely by executive orders, which may or may not take the form of amendments to the civil service rules.[1] The rules were thus amended by the executive order of President Roosevelt, dated June 3, 1907, prohibiting the political activity of competitive employees. The commission was given jurisdiction to investigate cases of alleged improper political activity. The rules now state that persons in the competitive classified service, "while retaining the right to vote as they please and to express privately their opinions on all political subjects, shall take no active part in political management or in political campaigns." [2]

[1] The first executive order on this subject was issued by President Hayes; President Cleveland's famous "pernicious activity" order of July 14, 1886, applied to all office-holders without distinction. See Choate, *op. cit.*

[2] Civil Service Rule I. The following statement shows the various forms of political activity which have been held to be forbidden on the part of competitive classified employees:

"Service on political committees, service as delegates to county, State, or district conventions of a political party, although it was understood that the employees were not 'to take or use any political activity in going to these conventions or otherwise violate the civil service rules'; service as officer of a political club, as chairman of a political meeting; continued political activity and leadership; activity at the polls on election day; the publication or editing of a newspaper in the interests of a political party; the publication of political articles bearing on qualifications of different candidates; the distribution of political literature; holding office in a club which takes active part in political campaigns and management; making speeches before political meetings or political clubs; circulation of petitions having a political object, of petitions proposing amendments to a municipal charter; circulation of petitions favoring candidates for municipal offices, and of local-option petitions; service as a commissioner of election in a community where it was notorious that a commissioner of election must be an active politician; accepting nomination for political office with intention of resigning from the competi-

All complaints of the violation of the rule against political activity on the part of classified competitive officials are investigated by the commission and the facts reported to the President, and appropriate punishment is inflicted. These cases are likely to arise most frequently in years in which a Presidential election occurs, but even then they are not numerous. The commission in its report upon this subject, covering the Presidential campaign of 1908, says: "When it is taken into consideration that the competitive classified service now includes more than a quarter of a million employees, the number of charges of improper political activity in political affairs presented against persons in the competitive service is remarkably small, indicating compliance by classified employees generally with the rule in this regard." [1]

Political activity of *non-competitive* service

Unfortunately, the same statement is not true of the *non-competitive* classified service. This branch of the civil service until very recently included about one hundred thousand officials, grouped as follows: (*a*) officers for whose appointment the confirmation of the Senate is necessary, such as postmasters, marshals, collectors of customs and internal revenue, and other heads of offices and bureaus; (*b*) certain confidential or responsible officers, such as private secretaries, cashiers, and others, whom the head of the

tive service if elected; recommendations by clerks and carriers of a person to be postmaster; activity in local-option campaigns; service as inspector of elections, ballot-clerk, ballot-inspector, judge of election, member of election board; candidacy for or holding of elective office." See *27th Annual Report, U. S. Civil Service Commission* (1909–10), p. 22.

[1] *26th Annual Report, U. S. Civil Service Commission* (1908–09), p. 26.

office has the right to choose; (*c*) the majority of the 50,000 fourth-class postmasters, appointed by the postmaster-general, and forming the largest group of unclassified officials. These offices, with the exceptions noted below, continue to be political agencies, and their occupants, being active politicians, are greatly aided by the power of their offices in affecting the political prospects of leaders in their districts or States. To this extent, therefore, the old evils of the spoils system persist comparatively unchecked.

When political activity on the part of the great political officers of the Federal Government, like the President and heads of departments, assumes the form of speech-making in explanation, defense, or advocacy of the policy of the administration, such political activity, deserves hearty commendation. It is nothing more than the administration taking the people into its confidence. It is right and highly proper that the people should hear the policies of the administration discussed by those officials who are most responsible for and most familiar with them.[1]

Many office-holders active in Presidential campaigns

Criticism, severe and merited, however, is occasioned by the activity of *non-competitive* Federal office-holders in primaries and conventions in the interest of those to whom they owe their own appointments and by whose favor they continue in office. All this leads to neglect of duty and to absenteeism on a large scale. During every Presidential campaign the government pays large sums in salaries to officials who devote themselves to politics, while their offices are left to the control of subordinates.[2] It is certain

[1] See *Outlook*, XCVI, 575 (1910).

[2] C. W. Eliot, *op. cit.*

that office-holders played a great part in the Presidential campaign of 1908. A comparison of the rolls of the Republican convention of that year with the roster of Federal office-holders shows that more than one-tenth of the delegates to the Chicago convention were Federal office-holders. In several delegations from Southern States more than one-third, and in two cases two-thirds, were office-holders, who of course were active locally in caucuses and conventions.[1]

Extension of the merit system to the country postmasters

Much, therefore, remains to be done to check the political activity of office-holders by extending the competitive system so as to include many of the officials for whose appointment confirmation by the Senate is required, and especially the fourth-class, or country, postmasters. How to bring the latter under the competitive system has long been the "crux of civil service reform." The difficulties involved in extending the merit system to this large class of Federal officials do not all appear on the surface, but they are serious and require thorough study before prescribing the exact form of the remedy. In November, 1908, President Roosevelt subjected to competitive examination the fourth-class postmasters in the whole region north of the Ohio and east of the Mississippi. By this order the President "snatched 15,000 officials at one stroke from the clutches of the politicians"—a fatal blow to one of the last strongholds of the spoils system. The reform thus begun has been widened in scope by the executive order of President Taft issued September 30, 1910, still further

[1] J. H. Choate, *op. cit.*

diminishing the number of non-competitive positions in the postal service,[1] and by the executive order issued in October, 1912, extending the competitive system so as to cover all the remaining fourth-class postmasters.

Postmasters of the first three classes, third-class assistant postmasters, collectors of customs and internal revenue, and other heads of offices and bureaus are still appointed by the President alone or in conjunction with the Senate, and before many of them can be brought under the competitive system Congress must vest their appointment in some head of a department or the Senate must consent to their classification. With the achievement of this highly desirable result the great purpose of civil service reform will have been accomplished so far as it relates to the Federal Government.[2]

(4) Great reduction in number of removals

(4) An enormous reduction in the number of removals of governmental officials for political reasons constitutes the last of the important political benefits attributable to civil service reform which we have space to consider. The greater degree of permanence

[1] The order of September 30, 1910, placed in the competitive classified service the assistant postmasters and clerks at first and second class post-offices. It affected about 2,251 assistant postmasters and about 1,400 clerks and 200 substitute clerks in post-offices not previously classified. See *28th Annual Report, U. S. Civil Service Commission*, 1910–11. An executive order issued in 1911 placed about 42,000 rural free-delivery carriers in the competitive classified service, while another executive order issued in December, 1912, placed more than 20,000 skilled workers in navy-yards under the protection of the merit system.

[2] In December, 1911, President Taft recommended that all local officers under the departments of the Treasury, the Interior, Post-Office, and Commerce and Labor be placed in the competitive classified service.

in the government service thus brought about very largely explains the increased efficiency and greater economy of administration previously mentioned. The acts of 1820 and 1836 limiting to four years the term of large classes of government officials have not been repealed, but in practice they have been more and more disregarded by means of reappointments, and are never invoked as a justification for a "clean sweep" in government offices. Indeed, a "clean sweep," such as was common before 1883 with a change of executives, is now a thing of the past. On the contrary, the comparative permanency of tenure now enjoyed by government officials is a point bitterly attacked by opponents of civil service reform. It is complained that unfit men are kept in the service, being "protected by the rules." The truth of this charge the Civil Service Commission vigorously denies.

President's dispensing power a serious problem

One feature connected with the Federal competitive system, namely, the "dispensing power of the President," should be noted as involving serious political consequences, since in the hands of a President unfriendly to civil service reform it renders possible the undermining of the whole merit system. By means of this power the President is able to make special exceptions to the civil service rules by appointments to offices within the classified list without any competitive or other examination. Between 1901 and 1907 there was a steady increase in the number of persons excepted from the ordinary requirements of the rules. In 1901 there were three; in 1902, twelve; in 1903, forty-three; in 1904, thirty-nine; in 1905,

seventy; in 1906, seventy-one; and in 1907, seventy-eight; in all, 316. At this point President Roosevelt, feeling that the number was becoming excessive, adopted the policy of submitting in each case the reasons for the exception to the Civil Service Commission before the necessary order of exception was issued. This resulted in a reduction in the number of exceptions for 1908.[1]

It is not suggested that these numerous exceptions reduced the efficiency of the service, and all familiar with the administration of the civil service law realize that the system must not be made or allowed to become too rigid. The problem as to special exceptions is one upon which even the reformers have not been able to agree. Some approve and advocate the practice of making exceptions as a means of meeting emergencies and securing expert services without delay when most needed. Others, with equal sincerity, call this practice an exercise of arbitrary power, a precedent for indefinite extension and abuse in unfriendly hands, and tending to destroy public confidence. It has been suggested that a change in the civil service rules may be feasible whereby the initiation and consideration of all such cases in the first instance should be transferred to the Civil Service

[1] Since the change in policy noted above, the number of exceptions by executive order has been as follows:

For the year ending June 30, 1909	58
For the year ending June 30, 1910	19
For the year ending June 30, 1911	43
For the year ending June 30, 1912	62
For the year ending June 30, 1913	117
For the year ending June 30, 1914	64
For the year ending June 30, 1915	89

Commission, so that they shall not reach the President except upon its recommendation. The President would thus be relieved of a flood of applicants for office and the annoying and vexatious pressure for the consideration of exceptional cases which must be a considerable interference and trespass upon the time required for his vast and exacting duties.[1]

One additional point should be noted in concluding this phase of the subject: the Federal civil service under the merit system has improved in honesty and general character. "One now finds in the service of the government hundreds of university trained men who have entered on avenues of advancement in the public service that vie in attractiveness with academic careers. Furthermore, thousands of purely clerical positions in the departments are filled by men and women who in training and equipment for their duties would do credit to the best-managed business houses in the land." Hence it is that "the common people now think of the government service, not as a charity or as affording a livelihood for incompetents, or as a means of paying and feeding the henchmen of political leaders, but as a great business organization for doing efficiently and honestly large pieces of business which the people want to have done well." [2]

Civil service reform in States and cities

It can scarcely be repeated too often that all the worst evils of the spoils system still flourish comparatively unchecked in connection with the governments of our States and large cities. To these of course the Federal civil service act does not apply. Here at the

[1] J. H. Choate, *op. cit.*
[2] W. B. Shaw, in *Rev. of Rev.*, XXXI, 317 (1905).

present time exists the greatest need for the adoption and the vigorous and impartial enforcement of a competitive system of selecting appointive officers modelled upon the Federal merit system. Securely intrenched behind the thousands of offices in State and municipal governments, the machine politician is making his last fierce stand against the increasingly vigorous attacks of the civil service reform movement. Around these fortresses of corruption in the near future the greatest victories for clean government are to be won. Slowly but steadily the cause of reform has been effecting small breaches in the intrenchments.

The example set by the Federal Government in 1883 at once bore fruit in the enactment within a year by New York and Massachusetts of civil service laws which by subsequent amendments are now applicable to practically the entire public service in these important States. For over twenty years these were the only States with civil service laws. In all the others the spoils system ran riot until in 1905 Wisconsin and Illinois, and in 1907, Colorado and New Jersey adopted the merit system. These States were followed by California, Connecticut, and Ohio in 1913 and by Kansas and Louisiana[1] in 1915, making a total of eleven States. In the constitutions of three of these States—New York, Colorado, and Ohio—are embodied requirements for the enactment of civil service laws. In five States—Wisconsin, Illinois, Colorado, California, and Connecticut—the laws

[1] In Louisiana the civil service law applies only to the appointment of State officers at the port of New Orleans.

cover only the State civil service in whole or in part. Four States have civil service laws which cover not only the State service but officials of cities and counties as well, namely, Massachusetts, New York, New Jersey, and Ohio.[1] Altogether there are about two hundred and fifty cities,[2] twenty counties, and seven villages which have adopted the competitive system in whole or in part, and the system is finding increasing acceptance with local and State governments.

Sympathy of officials essential to success of civil service laws

Upon the character of the men selected to administer State and municipal civil service laws, and the degree of their sympathy with the purpose of such laws, almost as much depends as upon the character and provisions of the laws themselves. It is possible for the best law to be made a farce in its practical operation through indifference or hostility on the part of those charged with its administration. Such hostility on the part of a recent mayor, of Philadelphia, and the consequent appointment by him of men to administer the law who shared his views, was the chief cause, it is believed, why the civil service law in that city at one time failed to produce better results. Civil service reformers in State and municipal politics should bear in mind that with the enactment of a civil service act the battle for good government is only partly won. The fight for reform must be continued in order to secure the appointment of sympathetic officials to execute the laws. Here, as in so many other instances, eternal

[1] A. S. Faught, in *Nat. Mun. Rev.*, IV, 321 (1914).

[2] Of the fifteen largest cities in the United States, only three have no civil service laws. *29th Annual Report, U. S. Civil Service Commission* (1911–12), p. 34.

vigilance is the price of permanent reform. "The preponderance of reliable testimony in all of the cities now working under the civil service reform method is that it constitutes a great improvement as to cost of service and as to efficiency over the spoils system. . . ." [1]

The further supplanting of the spoils system in city and State governments would, it is firmly believed, elevate the motives and tone of party contests in State and municipal politics. It would bring into the service of the city and State governments men of higher aspiration and nobler aims; it would eliminate much of the personal element in party strife, and it would relieve public officials of "patronage-mongering" and allow them to attend to the high duties for which they have been elected. It would tend to suppress the State and city boss, for it would deprive him of by far his largest means of political subsistence.[2]

QUESTIONS AND TOPICS

1. Early experiments with the merit system in the New York custom-house and post-office.
2. The debates in Congress over the civil service act of 1883. (See volumes of the *Congressional Record.*)
3. The work of George William Curtis, Dorman B. Eaton, and Carl Schurz in promoting civil service reform.
4. The opinion of the attorney-general of the United States on the constitutionality of the civil service act of 1883.
5. The history and work of the National Civil Service Reform League.
6. The attitude of Presidents Grant, Hayes, Garfield, and Arthur toward civil service reform as reflected in their messages.

[1] C. W. Eliot, *op. cit.* [2] Woodburn, 388.

7. The national platform declarations of different parties on the subject of civil service reform since 1868.

8. The extension or restriction of civil service reform under (*a*) Presidents Cleveland and Harrison and (*b*) under Presidents McKinley and Roosevelt.

9. Civil service reform applied to the consular service of the United States.

10. The contest in 1908–09 between the President and Congress over the application of the merit system to the appointment of census officials for 1910.

11. How is the appointment of laborers in the employment of the Federal Government regulated under the civil service rules?

12. Compare the administration of the civil service rules in the Philippines, Porto Rico, and Hawaii, under Presidents Roosevelt, Taft, and Wilson.

13. The general character of the civil service examinations, their preparation, and the machinery for administering them. Compare with the English and German examinations.

14. From the annual reports of the United States Civil Service Commission prepare a report upon the exceptional appointments to places within the competitive service made without examinations.

15. What may be said for and against the exemption of war veterans from the competitive examinations required of all other applicants for positions in the competitive service of the Federal Government or of the States?

16. The desirability and necessity of some form of retiring allowance for aged or disabled civil service employees.

17. The political activity of Federal officials in the Presidential campaigns of 1908.

18. Recent violations of the civil service rules forbidding political assessments.

19. What laws have been enacted in your State for a competitive civil service? What defects have appeared in their operation? How might these defects be remedied?

20. The spoils system and the merit system applied to the public school system in large cities.

21. What are some of the practical ways in which State and municipal civil service reform may be promoted?

22. Prepare a report on the operation of the competitive

system in a large city like New York, Chicago, Philadelphia, Pittsburg, Scranton, Boston, Milwaukee, Cleveland, Minneapolis.

23. The arguments for and against the extension of State civil service rules to cover the selection of registration and other election officers, as in New Jersey.

24. President Taft's messages of January 17 and April 14, 1912, recommending additions to the classified competitive service.

25. The political activity of Federal office-holders in the pre-convention Presidential campaign of 1912. (See *29th Annual Report, U. S. Civil Service Commission.*)

26. The attempt in the second session of the 62d Congress (1912) to undermine the Civil Service Commission and the merit system.

27. Should the heads of administrative departments of municipal governments be chosen by competitive tests? The Boston method since 1909. (See Munro.)

28. In what points were the civil service laws weakened in Connecticut, Colorado, and Ohio in 1915? (See Faught.)

29. Civil service provisions in commission-governed cities.

30. In what different ways are cities permitted to adopt civil service rules? (See Faught.)

31. Recent extensions of the merit system in New York City. (See *American Year Book, 1914*, pp. 183–184.)

32. The investigation of New York City's civil service commission in 1914.

33. The abuse of "temporary" appointments in Chicago under Mayor Thompson, 1915–16.

34. Chicago's efficiency commission: its organization, work, and the reasons for its discontinuance in 1915.

35. Attempts by organizations of Federal employees to influence congressional legislation. (See *Annual Reports, U. S. Civil Service Commission.*)

36. Criticisms of the United States Civil Service Commission and its administration of the civil service act in the 1st session of the 63d Congress, March–April, 1913.

37. The administration of the merit system in connection with the fourth-class postmasters under President Wilson.

38. How was civil service reform threatened by the Dies bill in Congress in 1914?

39. Removals and appointments in the diplomatic service under President Wilson. (See Harvey.)

40. The Democratic attempt in Congress, 1913–14, to take assistant postmasters out of the competitive service in connection with the post-office appropriation bill.

41. President Wilson, Congress, and the rider to the urgency deficiency bill in 1913 removing subordinates of internal revenue collectors and United States marshals from the competitive class.

42. President Wilson, Congress, and the appointment of attorneys and other subordinates under the Federal Reserve Board, 1913.

43. President Wilson, Congress, and the exemption of the income-tax collectors from the competitive system.

44. Ascertain the number of Federal office-holders who were delegates or alternates to the Democratic national convention in 1916.

BIBLIOGRAPHY

Adair, H. N., *Civil Service Examination Papers* (1912). For the English civil service.

Allen, W. H., "Picking Fittest Men for City Jobs," in *American City*, X, 24 (1914).

American Year Book, *1910*, pp. 176–180, "The Civil Service and Civil Pensions"; *1911*, pp. 212–214, "Civil Service"; *1912*, pp. 167–170; *1913*, pp. 177–182, 211; *1914*, pp. 183–185; *1915*, pp. 195–197, "Civil Service."

Appleton's *Annual Cyclopædia*, *1882*, *1883*. For the early stages of the reform movement.

Arnold, J. R., "The Philippine Civil Service," in *No. Am. Rev.*, CXCV, 238 (1911).

Baldwin, F. S., "Retirement Systems for Municipal Employees," in *Annals*, XXXVIII, 6 (1911).

Bassett, J. S., *A Short History of the United States*, ch. 34. Sketches the civil service reform movement.

Belcher, R. W., "The Merit System and the County Civil Service," in *Annals*, XLVII, 101 (1913).

—— "Reports of Municipal Civil Service Commissions" (1911), in *Nat. Mun. Rev.*, II, 342 (1913).

Bonaparte, C. J., "Municipal Civil Service Laws," in *Nat. Mun. Rev.*, I, 252 (1912).

Brown, G. W., "English Civil Service Reform," in *Atlantic Monthly*, XLIII, 580 (1879).

Brown, H. D., *Savings and Annuity Plan Proposed for Retirement of Superannuated Civil Service Employees. Senate Documents*, 3d session, 61st Congress, LVI, No. 745, pp. 225 ff.

Business Value of Civil Service Reform, The. Testimonials from different official sources. (Pamphlet.)

Call, H. B., "Practical Tests for Applicants for City Positions," in Philadelphia *Public Ledger*, March 23, 1913.

Cary, Edward, "Civil Service Reform in New York," in *Harper's Magazine*, LX, 898 (1880). Detailed account of the early experiments in the New York custom-house and post-office.

Catherwood, R., "Efficiency in the Public Service of Chicago," in *Proceedings of the National Civil Service Reform League*, 1909; hereafter cited as *Proceedings*.

—— "Bureaus of Complaint in Illinois," in *Nat. Mun. Rev.*, V, 670 (1916). On the efficiency divisions in civil service commissions.

Century, XLVIII, 306 (1894), "The Consular Service and the Spoils System."

Charities, XXI, 775 (1909), "Revising Chicago's Civil Service System."

Chicago Civil Service Commission, *Civil Service Text-Book* (1910).

Chicago, *The City Club Bulletin*, VIII, No. 8 (December, 1915), "The Civil Service Crisis," under Mayor Thompson.

Choate, Joseph H., "Twenty-Five Years of Civil Service Reform," in *Proceedings*, 1908.

Coker, F. W., "Progress in Municipal Civil Service: A Review of Recent Reports," in *Nat. Mun. Rev.*, V, 574 (1916).

Coles, H. C., "The Administration of the Civil Service Law in Porto Rico," in *Proceedings*, 1909.

Commission on Economy and Efficiency, *Report to the President on Retirement Allowances* (1912), in *House Documents*, 2d session, 62d Congress, CXVII (1912).

Committee of One Hundred (Washington, D. C.), *The Civil Service: Civil Pensions in Foreign Countries, Municipal*

and Private Systems in the United States. (Pamphlet, 1912.)

Congressional Record, 1st session, 63d Congress, L, pt. 1, pp. 371 ff. Tables showing distribution of diplomatic and consular officers and debate upon the spoils system.

Connecticut Civil Service Reform Association, *Review of the Legislative Contest, 1915.* Bulletin No. 7. (Pamphlet, 1915.)

Curtis, G. W., *Orations and Addresses*, II.

Dana, R. H., "The Merit Principle in the Selection of the Higher Municipal Officers," in *Proceedings*, 1903.

—— *Civil Service Reform.* Attack and defense in the Massachusetts legislature. (Pamphlet, rev. ed., 1905.)

Dewey, D. R., *National Problems* (1906), ch. 2.

Doyle, John T., "Civil Service Reform: A Decade of the Merit System," in *Forum*, XIV, 216 (1892–93). Excellent summary for the first decade of reform.

—— "Civil Service Reform," in Bliss's *New Encyclopedia of Social Reform* (1908).

—— "Civil Service Reform Progress," in *Nat. Mun. Rev.*, I, 654 (1912).

Durand, E. Dana, "The Merit System and the Census" (1910), in *Proceedings*, 1909.

Eaton, Dorman B., "Civil Service Reform," in Lalor, I, 479.

—— "A New Phase of the Reform Movement," in *No. Am. Rev.*, CXXXII, 546 (1881). Reply to Tourgée, below.

—— *Civil Service in Great Britain* (1880). Originally published in *House Executive Documents*, 2d session, 46th Congress, XII, No. 1, pt. 7.

—— *The Government of Municipalities* (1899), pp. 162–178.

Eliot, Charles W., "The Fundamental Reform," in *Proceedings*, 1909. (Also as pamphlet.)

—— *Encyclopædia Britannica* (11th edition), VI, "Civil Service."

Fairlie, J. A., "The Relation of Civil Service Reform to Municipal Administration," in *Proceedings*, 1905.

—— *Essays in Municipal Administration* (1908), ch. 3.

Faught, A. S., "A Review of the Civil Service Laws of the United States," in *Nat. Mun Rev.*, III, 316 (1914).

—— "Mr. Catherwood's Draft of a Model Civil Service Law," in *Nat. Mun. Rev.*, III, 377 (1914).

Faught, A. S., "Civil Service Legislation, 1915," in *Am. Pol. Sci. Rev.*, IX, 549 (1915).

Fish, Carl Russell, *Civil Service and the Patronage* (1905).

Fisher, W. L., "Efficiency in Civil Service Reform," in *Proceedings*, 1909.

Foltz, E. B. K., *The Federal Civil Service as a Career* (1909).

Foster, W. E., *Literature of Civil Service Reform.* (Bibliographical pamphlet, 1885.)

Foulke, W. D., "The Civil Service in Our New Dependencies," in *Annals*," XIX, 340 (1902).

—— "The Advance of the Competitive System," in *Proceedings*, 1903.

Goodnow, F. J., *Comparative Administrative Law.* 2 vols. On civil service in the United States and foreign countries.

Goodwin, E. H., "Civil Service Provisions in Commission Charters," in *Annals*, XXXVIII, 808 (1911).

—— "Draft of a Civil Service Law for Cities," in Nat. Mun. League *Proceedings* (1910), pp. 577 ff.

—— "An Effective Civil Service Law in Cities," in Nat. Mun. League *Proceedings*, XVI, 304 (1910).

—— "Draft of a Civil Service Law for Cities," in Nat. Mun. League *Proceedings*, XVI, 577 (1910).

Hanford, A. C., "A Report on Civil Service Laws," in Illinois Efficiency and Economy Commission *Report, 1915*, pp. 911–938.

Harper, H., "The Constitutionality of Civil Service Laws," in *Pol. Sci. Quar.*, XXII, 630 (1907).

Harper's Weekly. Volumes issued during the seventies and eighties contain much material on civil service reform.

Harvey, George, "The Diplomats of Democracy," in *No. Am. Rev.*, CXCIX, 162 (1914).

Hoag, A. K., "The Practical Results of the Competitive Classification of the Fourth-Class Postmasters," in *Proceedings*, 1909.

House Documents, 2d session, 62d Congress, CXVII, *Report to the President on Retirement Allowances* (1912), by the Commission on Economy and Efficiency.

House Reports, 2d session, 27th Congress, IV, No. 741, pp. 1–5. First report recommending competitive system of appointments, in 1841.

Illinois Efficiency and Economy Commission, *Report, 1915*, pp. 911–938. "A Report on Civil Service Laws," by A. C. Hanford.

Jenckes, T. A., *Report of the Joint Select Committee on Retrenchment*, in *House Reports*, 2d session, 40th Congress, II, No. 47.

Kavanagh, J. F., "Investigating the Character of Civil Service candidates," in New York City, in *American City*, XIII, 114 (1915).

Kettleborough, C., "State Civil Service Legislation for 1911," in *Am. Pol. Sci. Rev.*, VI, 235 (1912).

Kiggins, F. M., "The Civil Service in the Philippines," in *Proceedings*, 1902.

King, C. L., "The Appointment and Selection of Government Experts," in *Nat. Mun. Rev.*, III, 304 (1914).

Library of Congress, *Select List of References on . . . Civil Service Pensions* (1903).

Literary Digest, XLIV, 5 (1912), "The President's Attack on the Pie-Counter." On President Taft's recommendation for the extension of the competitive system.

—— LIII, 439 (1916), "Deserving Democrats and Republican Critics." On spoils system under President Wilson.

Lodge, H. C., "Why Patronage in Office Is Un-American," in *Century*, XL, 837 (1890).

Lowell, A. L., "Administrative Experts in Municipal Government," in *Nat. Mun. Rev.*, IV, 26 (1915).

McAneny, George, "The Merit System as an Element in the Reform of the New York City Police Department," in *Proceedings*, 1902.

McLaughlin and Hart, *Cyclopedia of American Government*, I, 52, "Appointments to Office"; 283, "Civil Service Examinations"; 284, "Civil Service, Federal"; 286, "Civil Service, State."

MacVeagh, Franklin, "Civil Service Pensions," in *Annals*, XXXVIII, 3 (1911).

—— "The Business Man in Municipal Politics," in Nat. Mun. League *Proceedings*, III, 133 (1897).

Marks, M. M., "Civil Service Trial Boards," in *Rev. of Rev.*, LIII, 458 (1916).

Mason, E. F., "Municipal Pensions," in *Nat. Mun. Rev.*, II, 260 (1913).

Moses, Robert, "Standardization of Salaries and Grades in Civil Service," in *Am. Pol. Sci. Rev.*, X, 296 (1916).

Moulton, W. B., "Politics and Civil Service in State Institutions," in *Conference on Charities and Corrections, 1910*, pp. 308 ff.

Municipal Civil Service Commission *Reports*, in the principal cities.

Municipal Civil Service Commission of the City of New York, *Rules and Classification and Laws.* (Pamphlet.)

Munro, W. B., *The Government of American Cities* (1916), chs. 10–11.

National Civic Federation, *Report on Municipal and Private Ownership of Public Utilities* (1907), I, 88–112, "Labor and Politics."

National Civil Service Reform League, *Proceedings at Annual Meeting*, especially for 1902, 1903, 1908, 1909, 1910. Cited in this bibliography as *Proceedings.*

National Municipal Review, IV, 662 (1915), "Chicago's Efficiency Commission."

Oakley, Imogen B., *A Sketch of the History of Civil Service Reform in England, India, and the United States.* (Pamphlet, 1904.)

Ordway, S. H., "The Civil Service Clause in the State Constitution," in Academy of Political Science *Proceedings*, V (1914), 251.

Ostrogorski, M., *Democracy and the Party System* (1910). (See index.)

—— *Democracy and the Organization of Political Parties*, 2 vols. (1902). (See index.)

Outline for the Study of Municipal Government in Its Relations to Civil Service Reform. (Pamphlet, Worcester, Mass., 1905.)

Outlook, The, C, 722 (1912), "Patronage in Politics: A Poll of the Press." On activity of Federal office-holders in 1912.

—— CV, 453 (1913), "The President and the Merit System."

Parker, George F., "The Consular Service of the United States," in *Atlantic Monthly*, LXXXV, 455, 669 (1900).

Pendleton, George H., "Report of the Committee on Civil Service and Retrenchment," in *Senate Reports*, 1st session, 47th Congress, No. 576 (1882).

Pennsylvania Civil Service Reform Association, *Annual Reports of the Executive Committee*, 1908, 1909, 1910. (Pamphlets.) On conditions in Pennsylvania, especially in Philadelphia, Pittsburg, and Scranton.

Powers, F. P., "Reform of the Federal Service," in *Pol. Sci. Quar.*, III, 260 (1888).

Prentiss, G. L., *Our National Bane: Or the Dry Rot in American Politics.* (Pamphlet, 1877.)

Raum, G. B., "Suggestions in Regard to the Public Service," in *No. Am. Rev.*, CXXXVII, 488 (1883).

Reik, H. O., "The Spoils System and the Merit System in the Public Schools System of a Great City" (Baltimore, Md.), in *Proceedings*, 1902.

Reinsch, P. S. (editor), *Readings on American Federal Government*, 651 ff.

Rice, Mrs. B. T., *Outline for the Study of Civil Service Reform.* (Pamphlet, rev. ed., Worcester, Mass., 1904.)

Richardson, Charles, "The Spoils System in Philadelphia," in *Proceedings*, 1902. Describes conditions before the merit system was introduced.

—— *A Municipal Revolution, or the Overthrow of the Spoils System in Philadelphia in 1905.* (Pamphlet, 1906.)

Richardson, J. B., *Messages and Papers of the Presidents*, 10 vols. (See index.)

Rogers, S. S., "George William Curtis and Civil Service Reform," in *Atlantic Monthly*, LXXI, 15 (1893).

Roosevelt, Theodore, "Criticism of the Examination System Answered," in *Good Government*, XIV, 11 (1895). (Also as pamphlet.)

—— "Politics and the Post-Office," in *Outlook*, C, 769 (1912). On political activity of postmasters in 1912.

—— *American Ideal*, pt 2, pp. 5–44, "Six Years of Civil Service Reform."

—— "Chapters of a Possible Autobiography: Applied Idealism," in *Outlook*, CIV, 461 (1913). On civil service reform.

Salmon, Lucy M., *Syllabus for the Study of the History of Civil Service Reform.* (Pamphlet, 1903.)

—— *Patronage in the Public Schools.* (Pamphlet, 1908.)

Senate Documents, 2d session, 61st Congress, No. 290, "Civil Service Retirement in England and New Zealand."

Senate Executive Documents, 1st session, 32d Congress, IX, No. 69. Report of Senate committee on the merit system in 1852. Also quoted in *15th Annual Report of the U. S. Civil Service Commission*, 473.

Shaw, Albert, and H. E. Deming, "Civil Service Reform and Municipal Government, in *Proceedings*, 1897. (Also as pamphlet, 1897.)

Shaw, W. B., "The College Graduate and the Civil Service," in *Outlook*, LXXX, 129 (1905).

—— "The Civil Service under Roosevelt," in *Rev. of Rev.*, XXXI, 317 (1905).

Sherwood, Grace M., "Employees Retirement Act of Massachusetts," in *Am. Pol. Sci. Rev.*, V, 433 (1911).

Shuckers, J. W., *Civil Service Reform a Delusion and a Snare.* (Pamphlet, 1884.)

Sparks, E. E., *National Development, 1877–1885*, ch. 12.

Special Committee of the United States Civil Service Reform League, *Higher Municipal Appointive Officers and the Merit System.* (Pamphlet, 1907.)

—— *Superannuation in the Civil Service.* (Pamphlets, 1906, 1907, 1909.)

—— *The Activity of Federal Office-Holders in Politics.* (Pamphlet, 1909.)

Spencer, N. S., "New York City's Civil Service," in *Nat. Mun. Rev.*, V, 47 (1916).

Starr, Merritt, "Chicago Since the Adoption of Municipal Civil Service," in Nat. Mun. League *Proceedings*, II, 162 (1896).

State Civil Service Commissions, *Annual Reports* of, especially for Massachusetts, New York, and Wisconsin.

State Civil Service Reform Associations, *Annual Reports* of, for different States, especially Massachusetts, Pennsylvania, New York, and Illinois, 1908–10.

Survey, The, XXII, 583 (1909), "Civil Service and the Chicago Librarianship."

Swanson, A. M., "The Practicability of the Merit System," in *Nat. Mun. Rev.*, IV, 32 (1915).

Swift, L. B., "Civil Service Reform: A Review of Two Administrations" (Cleveland's first and Harrison's), in *Forum*, XIV, 201 (1892–93).

Tourgée, A. W., "Reform vs. Reformation," in *No. Am. Rev.*, CXXXII, 305 (1881). Against civil service reform.

United States Civil Service Commission, *Annual Reports* of, especially for the year ending 30 June, 1909.

Van der Zee, J., "The Merit System in Iowa," in *Iowa Applied History Series*, II (1914).

Vaughan, W. W., *Every Man on His Own Merits.* (Pamphlet.)

Washburn, W. S., "The Administration of the Civil Service Law in the Philippines," in *Proceedings*, 1909.

Welton, B. F., "The Problem of Securing Efficiency in Municipal Labor," in *Annals*, XLI, 103 (1912).

White, Andrew D., "Do the Spoils Belong to the Victors?" in *No. Am. Rev.*, CXXXIV, 111 (1882). A strong defense of the merit system.

Whitten, R. H., *Public Administration in Massachusetts*, ch. 10. In Columbia University *Studies*, VIII (1896–98).

Willard, C. D., "Civil Service in American Cities," in *Outlook*, LXXVI, 938 (1904).

Women's Auxiliary of the New York Civil Service Reform Association, *Bibliography of Civil Service Reform and Related Subjects.* The best bibliography. (Pamphlet, 3d ed., New York, 1912.)

Woodruff, Clinton Rogers, *The Merit System in Municipalities.* (Pamphlet, 1902.)

—— "Civil Service Reform at Los Angeles," in *Nat. Mun. Rev.*, I, 639 (1912).

Yarros, Victor, "Chicago's Civil Service," in *Nat. Mun. Rev.*, V, 316 (1916).

Young, J. T., *The New American Government* (1915), ch. 28.

CHAPTER XVI

MACHINES AND BOSSES. THE TAMMANY ORGANIZATION. CONDITIONS PRODUCING AND PERPETUATING MACHINES AND BOSSES. THE TWO IN JOINT OPERATION. REMEDIES

"Machine" defined

In current discussions of practical politics no terms occur more frequently than "machine," "ring," and "boss." A political machine may be defined as a strict organization of *the working members* of a party designed to secure for a few party managers and their friends a predominating influence in the nomination, election, and appointment of public officers. A victorious machine is virtually an oligarchy of professional politicians. Although they are not always formally organized, there is a common understanding between them; they are bound together by personal though mercenary devotion.

Distinction between "machine" and "organization"

The term "machine" is really a nickname. The members of the machine prefer to style themselves the "organization." One often finds, therefore, the terms Republican or Democratic "machine" and "organization" used interchangeably, especially in connection with municipal politics. The terms are, however, distinguishable. The real *organization* of a party is the hierarchy of committees which has been described in a previous chapter. Every State, county, and town has its party *organization* in this sense, but

some States, and many counties and towns, are happily without any political *machine*. In the larger cities the series of committees which constitute the party *organization* is frequently identical with, or at least controlled by, a local *machine*, in which case it is not inaccurate to use the terms machine and organization as synonymous. Thus, for example, the Tammany machine *is* the Democratic organization in New York City and the Republican machine in Philadelphia *is* the Republican party organization for that city. Sometimes the party organization for an entire State becomes the "State machine." Thus we have had the Hill machine controlling the Democratic organization in New York State, the Quay and Penrose machine in control of the Republican organization in Pennsylvania. Usually the term machine applies to some area less than an entire State. It is thus possible to find several machines within the same party in a single State. On the other hand, there is ordinarily only one Democratic or Republican organization for a State.

Another distinction between a machine and the party organization may be seen in the motives controlling each. As a rule the organization seeks primarily to promote the interests of the party as a whole. The members of the machine subordinate party interests to their own personal interests. More often than not these personal interests can best be advanced by loyalty to the party organization; but occasions not infrequently arise, especially in large cities, when the Democratic and Republican machines unite, regardless of party differences, to ac-

complish some common end or to oppose some common foe that for the time being threatens the very existence of one or the other machine. The machine politician is ever ready to sacrifice the party if thereby the machine can gain some important advantage.

Distinction between "ring" and "machine"

"Ring" is a term frequently used as synonymous with the "machine," but these terms are also distinguishable. Just as ordinarily a machine is only a fractional part of the party organization, so a "ring" is usually a comparatively small clique or inner circle of the machine managers. The ring is bent upon accomplishing some purely selfish and usually corrupt end, such as looting the public treasury, securing lucrative contracts for public works, or obtaining valuable franchises. Thus we have had the Tweed Ring in the Tammany machine in New York City and the Gas Ring in the Republican machine in Philadelphia.

The Tammany "machine"

The most famous and probably the best organized political machine in existence to-day is that popularly known as the Tammany organization in New York City. A description of the way in which this machine is organized may be taken as fairly typical of the aims, at least, if not the achievements, of political machines in all our large cities, so far as perfection of organization is concerned.

The district general committee

(1) The jurisdiction of the organization commonly called Tammany Hall[1] is, strictly speaking, confined only to that part of New York City which is legally

[1] For the materials and facts upon which this description of the Tammany organization is based, I am indebted to Edwin P. Kilroe, Ph.D., chairman of the general committee of the nineteenth assembly district.

known as New York County, embracing thirty and one-half assembly districts, so-called because each of them sends a representative to the State Legislature. Four other counties are included in New York City, and in at least two of them (the Bronx and Kings) the Democratic organizations are in sympathy with, if not under the control of, the Tammany organization. The enrolled Democratic voters in each of these assembly districts elect annually at the primary a *district general committee*, which in reality is a part of the county committee, and until very recently consisted of about one member for every twenty-five votes cast at the last preceding election of governor, although at present this ratio is considerably lower. Formerly this district general committee was elected at large by the assembly district. Any one aspiring to become the leader of the district would make up his "slate" or primary ticket containing his name first, followed by the names of his supporters, who thus became candidates for the district committee. If this ticket won at the primary his supporters promptly chose him assembly district leader. Since 1914, owing to the direct primary law enacted in December, 1913, the members of the general committee are no longer chosen upon a general ticket, but the election districts or precincts, into which each assembly district is subdivided, have become the units of representation upon the district general committee.

The district general committee is the central governing body and constitutes the party organization within the assembly district. Its functions include

"the maintenance and promotion of party harmony and the postulation and development of principles and programmes for party betterment and progress within its territorial jurisdiction"; the maintenance of headquarters throughout the year; the support of regularly nominated candidates of the Democratic-Republican party,[1] and the conduct and sole charge of campaigns within the district in furtherance of their candidacy. The rules of the nineteenth assembly district general committee further declare it to be the especial purpose of the district general committee "to maintain and advance the ideals of Democracy and to inculcate in the voters and exact from all district representatives and officials the highest respect for those principles of civil and political honesty and public service which a true democracy assures."

Functions of the district general committee

Associated with this district general committee is an *auxiliary committee*, elected by the district committee, which co-operates with the latter in "stimulating party activity and promoting the efficiency of the party organization within the district." The members of the auxiliary committee may participate in all meetings of the district general committee and have "all the rights and powers of members thereof," except that they have no vote in the election of officers of the district general committee.[2]

Auxiliary committee

Each district committee may designate as many officers as it sees fit, and this is done without uni-

[1] This is the official title of what is popularly called the Tammany organization, or "Tammany Hall."

[2] Nineteenth assembly district Democratic-Republican committee, *Regulations and Rules* (1914), 12–13.

Officers of the district general committee

formity in the thirty assembly districts of New York County. The rules of the central organization lay down no requirements in this respect, and the State law only requires that a chairman and secretary be selected. In the nineteenth assembly district the officers include a chairman, two vice-chairmen, a recording secretary, a corresponding secretary, a treasurer, an executive member, and a sergeant-at-arms. Only two of these, the chairman and the executive member, require special mention. The *chairman of the district committee* is chairman of the campaign committee and a member of all standing and special committees; he directs and controls the party organization and conducts and supervises general and primary elections within his district; he is directly responsible to the district general committee for the detail and management of party affairs within the district and is "accountable for the proper fulfilment of party programmes and the suitable exposition of party policies in the activities of the district organization." In the absence of the executive member the chairman assumes the powers and performs the duties of that office.

The district leader

The *executive member* is known as the *district leader*,[1] and represents the district organization at all meetings of the executive committee of the county com-

[1] In some districts there are two leaders. This is due to the reapportionment of 1906, which forced in some instances two strong political leaders in the same assembly district. Rather than have the leaders fight it out for supremacy in their respective districts, the rules were changed so as to allow two executive members from the same district. Upon the death of one of the leaders, the surviving leader assumes full control. There were only about three such instances of dual leadership in 1916.

mittee of the county of New York (to be explained later). In most of the districts the assembly leader is the dominant figure in the organization, and all committees and officers are subordinate to his interests and under his absolute control. When a district leader is no longer able to maintain that dominant position and influence he is promptly replaced by a stronger man. The office of executive member may be declared vacant at any time by a majority vote of all members of the district general committee cast at a regular or special meeting. In the *Regulations and Rules* of the district committee of the nineteenth assembly district[1] it is made the district leader's duty "to assert the principles and maintain the ideals" set forth in the party rules in all party councils which he may attend in his official or quasi-official capacity; "to secure proper recognition for the district organization in the distribution of party patronage," and to "recommend for appointment to and advancement in public office only such enrolled Democrats as the district general committee may designate; to "protect all civil service and exempt appointees in public office or employment from political or personal harassment or removal," for which purpose he may invoke when necessary the assistance of the general committee. As district leader "it is his duty to preserve party harmony and to advance generally the interests and success of the party in the district."

Duties of district leader

[1] The scheme of organization of the nineteenth assembly district is typical of the assembly district organizations throughout New York County. Their rules and regulations, however, are not reduced to writing except in rare instances.

Stated more concretely, it is the business of the district leader to select the candidates for the local offices, such as assemblyman and alderman, and the persons thus selected become the organization candidates for whose election or nomination the supporters of the Tammany organization are expected to work. Where a candidate is to run for an office in more than one assembly district—for example, for congressman or for the municipal court—the district leaders in the territory comprising the congressional or municipal court district select the organization candidate. For larger offices, such as county and borough offices, the selection is made by the county leader—that is, the head of the entire Tammany organization—who submits his selections to the executive committee for approval.

The county leader

The *county leader* dominates the executive committee much as the president of a university dominates the board of trustees: any suggestions made by the president to the trustees as to appointments and matters of policy and administration are usually adopted without opposition. In the same way the suggestions of the county leader as to candidates, party expediency, etc., are usually approved without opposition by the executive committee. The present county leader and head of the Tammany machine is Charles F. Murphy. He is a natural leader who occupies no official position in the party organization other than that of executive member for the twelfth assembly district. He is not an officer of the county committee nor of the executive committee, nor even chairman of a subcommittee of these commit-

tees.[1] He is a political Nestor of the organization, and because of his rare political judgment and his shrewd manipulation of men is enabled to hold a firm control of the party machinery. Holding no other office in the organization, and controlling it only through sheer personal influence, Mr. Murphy can be deposed only with the greatest difficulty. It would be necessary to elect county committeemen and executive members who would refuse to go to Mr. Murphy for advice and refuse to follow his suggestions or orders. Probably nothing short of a revolution in the party could bring this about.[2]

District standing committees

The district general committee maintains a number of *standing committees;* for example, a law committee, a committee on legislation, another on entertainment, a membership committee, a committee on civil service appointment, a committee on public forum, and a campaign committee. The number of standing and subcommittees varies according to the assembly district, and, while the committees may have different names in different districts, they perform practically the same functions.

Dues

The *annual dues* to the general or to the auxiliary committee are fixed by each assembly district committee and may vary according to the location of

[1] During the period when Kelley and, later, Croker were leaders of the Tammany machine, the leader held some official position; for example, the chairmanship of the finance committee and of the executive committee of the county organization.

[2] In the other counties in New York City the county leader is usually chairman of the county committee. In New York County the chairman of the county committee and the chairman of the executive committee are mere functionaries who look to the county leader for advice.

the district and the financial standing of the members. In some districts the dues are $12 per year, while in others they are only $6, generally payable monthly in advance. The election law of New York gives each party the right to assess dues and the right to expel members for non-payment; in fact, non-payment may be deemed an act of hostility to the party.

District clubs

(2) To supplement the district general and auxiliary committees, *district clubs* are maintained the year round. These form important social centres both for the party workers and the plain voters. Annual balls are arranged, also summer festivals and picnics, likewise smokers, card-parties, and other forms of amusement and entertainment. Some of these clubs have a more serious purpose. The constitution of the Monongahela Democratic Club of the nineteenth assembly district declares that ". . . it shall be the policy of this club to foster a becoming pride in the Democratic party . . . ; to promote the spirit of solidarity and good-fellowship among its members by affording frequent opportunities for the interchange of social amenities; and by the maintenance of a forum for public meetings and discussion, and by the dissemination of scholarly and appropriate literature, to assure a full and fair understanding of our civic, industrial, and sociological problems and conditions." The needs of the poorer and laboring population are by no means overlooked. In one assembly district there has been a "Patrick Divver Association," in another a "Michael O'Hara Association," while at present one finds the "Timothy D.

Sullivan Association," the "John F. Curry Association," and the "Thomas J. McManus Association," named after certain assembly district leaders. This means that the leader after whom the association is named gives his constituents a vast free picnic in summer, chartering steamers and barges, hiring a band, and providing liberally for refreshment and amusement. Likewise, in the winter months food, clothing, and fuel are supplied to the needy.[1]

Social service

In addition to charity, the district clubs provide free legal assistance for the poor. They are defended in the courts and provided with bail if arrested, and otherwise helped in the matter of parole, suspended sentences, etc. One of the great sources of strength of the Tammany machine is the well-known fact that if any of its constituents becomes involved in legal proceedings, criminal or civil, the organization will provide bail, legal advice, or other aid. Tammany, therefore, stands not only for politics but for sociability, amusement, good-fellowship, charity, and social service; and these features have contributed in an incalculable measure to the success and permanence of the machine.

The general or county committee

(3) The members of the thirty assembly district committees together constitute the Democratic-Republican *general or county committee* of New York County. Theoretically, this is a most democratic institution, since its members come from close contact

[1] See H. C. Merwin, in *Atlantic Monthly*, LXXII, 244 (1898). "It is said that Tammany's contributions to the necessities of the poor equal from 15 to 25 per cent of the amount annually expended for charitable purposes by New York's combined churches and benevolent societies."—*Outlook*, LXXXI, 550 (1905).

with small units of party voters; but as a matter of fact its great size, consisting of over six thousand members, makes it an unwieldy body so far as actual control over party business is concerned. Its size has been defended on the practical ground that it enlists among the official workers of the party at least one man in twenty-five and also upon the still more practical ground that it brings in a vast sum each year into the party treasury through the annual dues of $10 per member. As a matter of fact, however, it is safe to say that probably only about one-fourth of the members pay the annual dues or assessments and that the organization has to depend upon the wealthier members for campaign contributions and other financial support. There is a district assessment of $500 for each assembly district, and the local candidates for office (such as aldermen and assemblymen) are expected to pay an assessment of $1.50 per election district for the assembly or aldermanic district in which they are running, to cover printing expenses, etc. This general committee holds no regular meetings, strictly speaking, and special meetings only at rare intervals. All the party affairs are, as a matter of fact, conducted by a sub-committee called the executive committee and by the county leader. There are also several subcommittees in addition to the executive committee, such as committees on law, legislation, printing, elections, and election officers, public meetings, and rules.

Executive committee

(4) The executive committee is really a subcommittee of the general or county committee, and consists of one member from each assembly district, who

is always the executive member or district leader, and, *ex officio*, the chairmen and vice-chairmen of the different standing committees and the treasurer of the general committee. In order to promote centralization of control in the hands of the executive committee there is a rule that each new member of that committee must be approved by the retiring committee; and if he is not so approved the retiring committee may itself select an executive member in his stead. In other words, an executive committee once in power may perpetuate its control. As a matter of fact, however, the rule is a dead letter, and under present conditions in New York its enforcement is highly improbable. The last case when it was invoked occurred in 1906.

Its functions

By this executive committee the internal affairs of the entire Tammany organization are directed, its candidates for the principal municipal and county offices selected, and plans of campaign for their election arranged. "The executive committee and the men intimately associated with it, although often unofficially, virtually control the government of the party and the city of New York whenever the party is in power. They control the finances of the county organization, disburse the funds, agree upon the distribution of city offices, and decide the policies of the board of aldermen and other branches of city administration." [1]

Election district captains

The thirty and one-half assembly districts in New York County are subdivided into *election* districts or precincts, each containing about four hundred

[1] Beard, 662.

voters. For every election district the chairman of the district general committee appoints a *district captain* and may also appoint an assistant captain. Each captain is the official representative of the party in his election district, and is directly responsible to the district general committee and may be removed at any time by its chairman. He is required personally to acquaint himself with the political affiliations and tendencies of all voters within his election district, and a list of them he must carefully compile and revise before every primary or general election, reporting to the general committee of the district the names of all voters removing from or establishing residences within the election district. He is made responsible to the district general committee and the district leader for the maintenance and augmentation of the party vote in his district. He officially represents the party at the polls on registration and election days and appoints watchers, challengers, and party workers to assist him in bringing out the party registration and vote. He likewise recommends to the chairman suitable voters to serve as election officers.

Compensation

The district captains are not paid for their services; they are in many instances office-holders. Money is supplied them on election day which is distributed in various ways. Party workers are set to work at from five to ten dollars a day to check off the poll-list as the voters appear at the polls, to guard against fraud, to watch the canvass, to send messages to delinquent voters who fail or neglect or forget to go to the polls. The amount of money given to a captain

on election day depends upon the importance of the election, the location of the district, the political complexion of the electorate, and the general financial standing of the voters in the election district. In some election districts only a small sum of money may be used legitimately. In some of the down-town districts below Fourteenth Street the sum given to an election district captain varies from $150 to $400.

District captains committee

The *district captains committee* is composed of the captains of the various election districts within an assembly district and holds regular meetings. From time to time this committee recommends to the consideration of the district general committee policies and measures designed to maintain and increase the efficiency of the district organization and to promote the success and safeguard the interest of the Democratic party in the district.

Such in outline are the principal features of the most famous and formidable political machine in the history of American politics.

The circumstances, conditions, and causes which have produced or promoted the development of political machines in this country may be summarized as follows:

Most important factors in development of machines: (1) The spoils system

(1) The spoils system has been, perhaps, the most important single factor. In the distribution of Federal patronage the President required an intermediary in each State, and so representatives in Congress, but especially senators, became the first State bosses. Their power was largely based upon their control of Federal offices within their States.[1] At the present

[1] See John Wanamaker's analysis of the famous Quay machine in Pennsylvania, quoted in Beard's *Readings*, 127.

time, control of State and municipal offices constitutes an even more important factor. "The cohesive power of the 'organization' is offices," said a prominent leader of the Philadelphia Republican machine. "We have ten thousand office-holders and they are all ours. Under the present administration no man can get an office unless he is loyal to the 'organization.' If you want office or preferment in political life, you will have to get it through the organization. Foreigners, when they come here, vote the Republican ticket. Why? Because we have the offices and they expect favors from office-holders. In New York they vote for Tammany for the same reason. Our organization bears the same relation to Philadelphia that Tammany does to New York. The ownership of the offices means the power for withholding patronage and for conferring favors upon citizens generally, who, in turn, will support the organization. It is through this far-reaching power that the great Republican party is given its majority in this city and State. Without the offices, this great edifice would crumble and fall. . . ." [1]

[1] David H. Lane, quoted by C. R. Woodruff, in *Yale Review*, XV, 8 (1906–7). One important feature of the Philadelphia Republican machine is the completeness and thoroughness with which the organization takes care of its workers and yet subjects them to constant dependence upon it for support and maintenance. "The old plan of independent ward leaders was abolished, because it made necessary the taking of their wishes and views into consideration. Each ward leader with few exceptions . . . was given an appointive position, so that at any time at which he might prove recalcitrant he can be brought to terms by threatening removal. Councilmen were controlled by receiving clerkships in the administrative departments or by having their near relatives, sons, daughters, or others dependent upon them for livelihood, given appointive places. In this way or through subsidies to interests in which the ward leaders or councilmen were interested, the machine could de-

And it may be added that the strength of *all* political machines springs from patronage, and they hold firmly together either from actual possession or the eager expectation of its complete control.[1]

(2) Multiplicity of elective offices

(2) Among the most potent factors in the development of machines and bosses has been the multiplication of the number of elective offices which began early in the nineteenth century. As a means of diminishing aristocratic control of government, appointive offices were turned into elective by the wholesale. Even the heads of State executive departments that had been appointed by the governor or by the legislature were made elective; and the judges of State courts did not escape.[2] These changes, occurring almost simultaneously with the rapid extension of the spoils system, resulted in bringing forward the political specialists whom we usually call professional politicians and bosses. For it was early found to be impossible for the people at large to remember when the terms of so many officers expired and to make provision for the nomination and election of their successors. Nevertheless, this political work had to be done by some one and still has to be done. The mass of voters being unable or unwilling to devote the necessary time to this work, it natu-

pend at any moment upon the unquestioning fealty of its retainers. It did not have to discuss ways and means with them or secure their views. It knew that by the very simple process of threatening to cut off their bread and butter they could bring them to support the most iniquitous or arbitrary measures." C. R. Woodruff, in *Yale Review*, XV, 13 (1906–7).

[1] G. W. Curtis, *Orations and Addresses*, II, 164.

[2] H. J. Ford, *The Rise and Growth of American Politics*, 298, and Beard, 89 ff.

rally fell into the hands of those who made it their chief if not their only business. To a certain extent, therefore, these political specialists are a genuine and a useful product of American democracy.[1]

(3) Big business corporations

(3) The growth of big business interests desiring special privileges at the hands of State Legislatures and municipal councils has contributed greatly to the power of machines and bosses. Corporations have found that the easiest way to obtain the privileges desired was to contribute money more or less regularly and generously to the support of the dominant machine in the State or municipality concerned, regardless of party.[2] Living to a great extent upon the corporations, bossism and machine politics have flourished best in States where big capitalist interests were concentrated, where corporations were most numerous, such as New York, New Jersey, and Pennsylvania; but they also flourish in many other places.[3]

[1] H. J. Ford, *op. cit.*, 299; Herbert Croly, *The Promise of American Life*, 118, 149. "The professional politician is frequently beaten and is being vigorously fought; but he himself understands how necessary he is under the existing political organization and how difficult it will be to dislodge him. Beaten though he be again and again, he constantly recovers his influence, because he is performing a necessary political task and because he is genuinely representative of the needs of his followers." *Ibid.*, 125.

[2] Behind Murphy, the head of Tammany, are the corporations whose hope of illicit gain lies in controlling the board of estimate and apportionment, which determines the appropriations, lets contracts, and votes franchises. *Outlook*, LXXXI, 646 (1905).

[3] The following is a recent description of the Republican machine in Pennsylvania: ". . . Picture a pyramid. The apex is Senator Boies Penrose. His throne, inscribed with 'The Divine Right of Bosses,' rests upon McNichol and Vare. Under McNichol and Vare are contractors, dual office-holders, and hand-fed ward leaders. These rest for their influence and immunity upon scores of lesser bosses, bosslets, and boss-barnacles apportioned to the various com-

(4) To the foregoing conditions and causes should be added the indifference and neglect of public duties characteristic of the average voter who is mainly engrossed in his own affairs and takes no active interest in politics. These are the citizens who remain away from the primaries and thus permit the selfish and unscrupulous members of their party to control the nominations, little appreciating the fact that the primaries are the strategic positions in our system of government and that whoever controls them controls the government.

(4) Political apathy of voters

(5) Slavish devotion to one or the other of the national parties, the spirit which keeps men loyal to "regular" party action, whether that action is controlled by disinterested leaders or by knaves, has helped enormously to make the machine possible. This spirit manifests itself in the vast number of voters who can always be counted upon by the machine to vote the straight party ticket on election day, if the candidates be not too flagrantly offensive to the moral and political standards of the community, however inferior in merit they may be to the candidates of the opposing party.

(5) Slavish devotion to party "regularity"

munities of the Commonwealth. Beneath these are the wholesale and retail liquor interests, rich, astute, unscrupulous, and levying tribute upon themselves and disreputable dependents to fill the coffers of the dynasty above them. The next layer of the pyramid is made up of solid business men, holding their breath and shutting their nostrils, but all the while patiently bearing all, ignoring all, extenuating all because Penrose, the reputed tariff mogul, is thought to sway the protection sceptre that permits them to draw dividends and divide profits. And then, under everything and carrying the weight of all, are the great, dear, sincere, unsophisticated but duped, God-fearing citizens who have thought so much of the raptures of the next world that they have not surmised the rottenness of this." Editorial in Philadelphia *Public Ledger*, January 10, 1915.

(6) Mass of manageable voters in large cities

(6) The great cities have afforded the best soil for the development of the political machine and ring. This is in part due to the fact that they contain the largest mass of manageable voters, especially the foreign voters, ignorant, easily led, and purchasable. District, ward, and city machines are often built up through ability to handle these voters as a mass at primaries and as floaters on election day. In the cities, furthermore, are to be found innumerable offices to be distributed as political prizes, along with abundant opportunities for jobbing and grafting in connection with the awarding of public contracts and municipal franchises.[1]

(7) Bipartisan boards and commissions

(7) Mention should also be made in this connection of constitutional provisions and laws which require representation of a minority party on appointive boards and commissions. For example, the appointment of numerous boards and commissions of three members is authorized and the requirement laid down that not more than two shall be members of the same political party. This species of "minority representation" was well intended at first. It was designed to serve as a check upon the majority party and to mitigate the evils of partisanship in administration; and where parties have been evenly divided it has often fulfilled its original purpose. But in States and large cities where one party has had an overwhelming majority, the system has been diverted to the grossest purposes of political corruption, and has been no small factor in the construction of mischievous political machines or "bipartisan

[1] Bryce, II, 112.

combines." The leaders of the dominant machine have seen to it that minority places are not given to genuine partisans of the opposition. This has been conspicuously wrought out in Pennsylvania, where it has been stated recently that the minority place-holders in ninety-five per cent of instances were minority men only in name, in actuality being part and parcel of the Republican machine, calling themselves "Democrats" but in their hearts being handy men for the Republican bosses. For many years the minority party in that State has subsisted, from the patronage point of view, on these minority places obtained through connivance of the dominant party machine. A close bond of self-interest was thus created between the venal leaders of the minority and the managers of the dominant machine: the Democratic party became degraded to little more than an appendage to the Republican machine.[1] A minority party rigidly excluded from any share of the spoils will be far more likely to grow in moral and numerical strength than where the bipartisan system of appointments prevails.

"Bosses" and "bossism"

Leadership is necessary and inevitable in any large and efficient organization. By a process of natural selection, the modern political machine has evolved a hierarchy of managers or leaders who devote their entire time to politics. We have referred to them as the "bosses." Their successful manipulation of the

[1] In justice to the present leaders of the Democratic party in Pennsylvania, it should be stated that by 1914 the faction known as the "Reorganizers" had secured control of the State organization, and inserted in their State platform that year a vigorous expression of opposition to the system of bipartisan appointments.

party organization whereby elections are carried, offices distributed among their followers, and contracts and franchises awarded to themselves and their friends is commonly called "boss rule," "bossism," or the "boss system."

A boss is something more than a partisan or professional politician: there are many partisan or professional politicians who are not bosses. A boss is not the same thing as a bad or unprincipled politician: there are many bad and corrupt politicians who are not bosses. The boss is not only a partisan and professional politician, but a political machinist who uses the local machinery of the national party to which he belongs for his own personal advantage in the political affairs of the State, county, city, or district of which he happens to be boss. From this it will be seen that "the word boss connotes a territory as much as the word king. A boss must be a boss of some place, and an unattached boss is as inconceivable as an unattached king." [1]

Evolution of the boss

There are instances where men of high birth and aristocratic affiliations have built up a political machine and leaped into prominence as political bosses almost at a single bound. Such cases, however, are rare, and are due to exceptional circumstances in which the possession of great wealth, unusual personal magnetism, and extraordinary skill in managing men play a most important part. In the vast majority of cases, on the other hand, the State or the city boss is of humble origin and is the product of evolution through successive stages. From a mere

[1] F. C. Lowell, in *Atlantic Monthly*, LXXXVI, 289 (1900).

"worker" at the polls or primary, with influence limited to a narrow circle of neighbors, he becomes the lieutenant or "heeler" of some election district or precinct leader. In time he himself becomes leader in his election district; then he becomes ward or assembly district boss or leader. The final stage of his development is reached when the assembly district leaders, nominally of equal rank, find one of their number who commands their obedience by his strength of will, his cleverness, his audacity, and his luck. "By tacit agreement every one wheels into line behind this man, recognizing him as the supreme chief, and we have the city boss, at the head of the city machine." An analogous process of selection brings to the front the State boss, at the head of the State machine. The nearest approach to a national boss is found in the political career of the late Senator Hanna.

Qualities which contribute to his success

The one supreme quality needed in a political leader who aspires to become a boss is skill in handling men. He becomes boss who shows the most energy, resourcefulness, and tact in managing those leaders, who in turn know how to manage or influence the masses of the voters. He is constantly, at every stage in his career, studying the men about him and their weak points, and by trading upon the latter he tries to secure as large a following as possible. Other personal qualities, such as personal magnetism, generosity, and geniality coupled with a certain degree of reserve are, of course, important factors in his success. On the whole, however, the qualities which tend to make a man a successful boss under our

present conditions are not apt to be of the kind that make him serve the public honestly or disinterestedly. In the lower city wards the boss is often, if not generally, a man of grossly immoral public or private life. On the other hand, city and State bosses are often men with at least a veneering of culture and refinement, whose private life is blameless, however low may be their standards of political morality.[1]

The more powerful bosses seldom come before the public as candidates for elective office. The State boss has usually preferred the office of United States senator because his election was by the legislature, in connection with which there was abundant opportunity for intrigue, and in intrigue every boss is an adept. Then, too, there is a large amount of Federal patronage still connected with the office of senator, in spite of the results of the civil service reform movement. Often, however, the State as well as the city boss is content to remain in the background, holding no office, or else some obscure appointive one, but wielding none the less an enormous power.[2]

Distinction between bosses and genuine political *leaders*

It is important to distinguish between bosses and real political *leaders*. Bosses, as a rule, disclaim any such title; they prefer to call themselves "leaders," but there is an important distinction. A true political leader leads by moulding and guiding the popular intelligence by the sympathy of common convictions, by resistless argument and burning appeal. As ex-President Roosevelt trenchantly put it: "The difference between a boss and a leader is that a leader

[1] Theodore Roosevelt, in *Century*, XXXIII, 74 (1886).
[2] F. J. Goodnow, *Politics and Administration*, 169.

leads and a boss drives. The difference is that a leader holds his place by firing the conscience and appealing to the reason of his followers and that a boss holds his place by corrupt and underhand manipulation. The difference is that the leader works in the light of day while the boss derives the greater part of his power from deeds done under cover of darkness." [1]

The boss controls campaign funds

Personal qualities thus being primarily responsible for the rise of the successful boss, other factors assist in perpetuating his power. Among these factors should be noted his *control of campaign funds*. Every boss sees to it that all campaign funds for use among his constituents pass through his hands or those of his direct representative. The head of Tammany, for example, knows, and draws freely upon, all the possible sources for campaign funds with which to perpetuate the power of the Tammany machine, distributing these as he deems wisest for the good of the machine and especially the advancement of his own personal supremacy. When especially hard pressed, a boss will blackmail business corporations or financial institutions for additional funds.[2] For the money which he handles the boss is never held to strict accountability. So long as the machine triumphs and his lieutenants receive a satisfactory share of the spoils of victory, he may lay up as large a private fortune as circumstances seem to warrant.

Some bosses, especially ward or district bosses in large cities, become the dispensers of charity on a

[1] At the New York Republican State convention, September, 1910.
[2] Ostrogorski, II, 409.

The boss dispenses charity

large scale. The money by which all this charity is made possible may have been obtained by blackmailing corporations, or as a bribe, or collected from disreputable resorts. The social service thus rendered is, of course, in no small degree prompted by mercenary motives. Nevertheless, when the boss is "kind to the poor" his grateful constituents can almost always be relied upon to repay him with their votes on primary and election days.

Having thus outlined the principal conditions which have produced the political machine and the political boss, we may consider the two in joint operation.

***Operations* of the boss and machine: (1) controlling nominations and winning elections**

(1) The boss and the machine hold the keys to all our leading offices through their control of nominations and ability to carry elections. When the machine is dominant, any one wishing, for example, to become a municipal councilman or a member of the State Legislature must come to terms with the machine, "see" the boss, and obtain his approval before he can secure what is called a "regular" nomination. Having succeeded in transforming elections into an industry and being able to deliver its product on the most favorable terms, the machine takes orders and contracts for the carrying of elections, thus saving candidates the trouble and expense of courting popular support with their own resources alone.[1]

(2) Influencing administrative policies

(2) But the control of the boss and the machine does not stop with the nomination and election of candidates receiving the hall-mark of their approval. Theoretically, the public administrative officers of the local and State governments are responsible to the

[1] Ostrogorski, *Democracy and the Party System*, 245.

people for the good government of the State or locality. Their actual power, however, is smaller than their official authority. Often they are almost completely controlled by the machine which secured their election or appointment. In States or cities subject to machine rule, practically every official must put all his personal and official influence at its disposal. "The executive and, in general, the officials who are at the head of a department are the first prey of the machine, for they dispose of what the machine wants above all things—the subordinate offices in the public administration with which it pays its henchmen and its workers. The department chiefs make over to it the patronage which is intrusted to them by law. The municipal machine claims it from the mayor; the State machine claims it from the governor; the State boss extorts the nominations to the Federal places of his State from the President of the United States." [1] It is not the patronage alone that administrative officers place at the command of the machine. In the performance of a wide range of discretionary acts they are also called upon to obey the behests of the machine. The leader or leaders of the machine are therefore the real rulers of the community, even though they occupy no offices and cannot be held in any way publicly responsible.[2]

[1] *Ibid*, 246.

[2] ". . . The boss is not an excrescence nor an unlimited monarch; he is the natural product of a government of laws devoid of human watchfulness. He is the head of a feudal system, bestowing fiefs (that is, the fourth ward) on his nobles, who in their turn muster, tax, and tyrannize over their retainers. . . . The truth is that the boss is the one conspicuous man who has made a success in American government; he is the discoverer of governmental effi-

(3) Manipulating legislative bodies

(3) Even the deliberative functions of the State Legislature in not a few States have absolutely ceased to exist *for many purposes*. The legislature registers as automatically the will of the boss and the machine and as little the results of its own deliberations as does the electoral college in the election of the President. "The form of a legislature survives, but the substance and the spirit have vanished. . . . The legislative power . . . is exercised by one man or a small, self-constituted group through dummies who are still in name representatives of the people." [1] Sometimes this is because the machine "owns" a

ciency, and otherwise could not be a boss. By his edict he makes laws, unmakes them, and circumvents them. All that the reformers and party leaders need for complete success is to tame the boss, teach him to draw their chariot and to roar an accompaniment to their campaign songs." A. B. Hart, in *Am. Pol. Sci. Rev.*, VII, 13 (1913).

[1] For an admirable picture in fiction of a boss-ridden legislature, see Winston Churchill's novel, *Coniston*. For many years the State boss of Rhode Island occupied an office in the State Capitol during sessions of the legislature. In Missouri at one time the boss used to sit behind a curtain back of the speaker's chair and from there send in his orders or amendments to bills.

"For some time Boies Penrose has ruled Pennsylvania as absolutely as the Sultan of Sulu ruled his distant domain and with about the same tender regard for the interests of his subjects. It is several generations since the people of Pennsylvania have known independence except as a Fourth of July tradition. Governor-Elect Brumbaugh has made the amazing discovery that the rights and privileges of citizenship in this Commonwealth are not the private perquisites of Penrose. Men who have known Harrisburg in recent decades have spoken of the members of the legislature as pawns, which is an insult to the pawn, because a pawn can take a bishop, a knight, or a castle, and can put a king in check; they have been puppets, automatically obedient to the will of the Sultan of Sulu. There have been periods when the legislature has had to mark time and the governor look sublime in enforced idleness until McNichol could discover the wish and will of his sovereign overlord in Washington." Editorial, Philadelphia *Public Ledger*, January 10, 1916.

certain number of members of the legislature whose election expenses it has paid. These tools of the machine form a nucleus which is quickly enlarged by intimidation and corruption brought to bear on the independent members. Anti-machine or "independent" members are brought to their knees by the risk of the defeat of bills in which their constituents are particularly interested. The legislation which the machine demands or extorts from the legislature is varied. Sometimes it is the creation of new offices to be distributed among the politicians, fiscal and other favors for the companies which are its financial backers, the reduction of taxes on private corporations, the creation of private monopolies, etc.[1]

(4) Tampering with administration of justice

(4) Even the administration of justice does not escape the baneful and corrupting influence of the machine, for the judiciary, being elective officers in most States, are, like the others, in need of being put upon the party slate in order to secure nomination and election. The police magistrates in the cities are especially the tools and henchmen of the machine. They help the machine to control the lower strata of the voters. Of the higher magistrates, the machine wields the most pernicious influence over the prosecuting officers by making them dismiss or sus-

[1] Ostrogorski, *op. cit.*, 247–248. Although a boss or machine *may* control absolutely all State legislation, he or the machine rarely attempts anything so ambitious. The machine knows "that to attempt to dictate to its followers on general legislation would only weaken its authority over them, and hence it confines its attention to the distribution of spoils, to laws that bear upon electoral machinery, and such bills as affect directly the persons from whom it draws its revenues." A. L. Lowell, in Am. Hist. Assn. *Report* (1901), p. 349.

pend prosecutions against their adherents. The higher judiciary discharge their duties with a fair degree of honor and impartiality so long as "politics" are not involved. But whenever the interests of the party and of the machine to which they owe their own election are at stake, it is not unnatural that they should be liable to be influenced by party considerations. The boss can make them atone for their independence. More than once a frown from the boss has been enough to terminate the most brilliant and most dignified judicial career.[1] Many bosses deem it wise, however, to leave the higher judiciary entirely outside their sphere of influence.[2]

In some States democratic government is transformed into virtual autocracy

As a result of this almost complete machine control of executive and legislative departments, there has been no truly free government in New York, Pennsylvania, Delaware, Missouri, Illinois, and probably other States for many years past. New York, for example, has been ruled by a Hill, a Platt, an Odell, or a Murphy, "with as complete indifference to public interests, popular convictions, and the desires of the voters of the State as if these irresponsible rulers held their places by divine right or by military authority." The same is true of other States. The people have allowed their policies to be determined by a group of men who were sometimes not even in public life, held no official positions, were paid no salaries, clothed by no authority, elected by no exer-

[1] Ostrogorski, *op. cit.*, 249.

[2] On the relations sometimes existing between big business, machines, and the courts, see a series of articles by C. P. Connolly, "Big Business and the Bench," in *Everybody's*, XXVI, 147, 291, 459 (1912).

cise of the suffrage. Measures of the highest importance have been decided upon in secret conclave, pushed through the legislature practically without discussion, under instructions to legislators who have been mere puppets responding to the strings that were pulled from behind. The business of the State has been transacted out of sight, on the back stairs, in whispering-galleries, and the people of the State have been led like sheep, and like sheep they have paid the penalty. "Greater enemies this country has never had than men like Platt, Odell, Addicks, and Quay, who have transformed free government into autocracies, annulled the fundamental charters of the country, and made popular government an object of satire, if not of derision, throughout the world." [1]

(5) Securing favors for special interests

(5) In many, especially in great industrial, States and in large cities there has come to exist an alliance, "a virtual partnership," between the great public service corporations, such as the railroad, trolley, and gas companies, and the political leaders of both the Democratic and Republican party organizations. As a result of this partnership the bosses give the necessary orders to their henchmen, whereby the corporations in question receive from legislative bodies or public officials franchises and special privileges and advantages. In return for these privileges the corporation managers grant certain favors to the party leaders or bosses. These favors assume differ-

[1] *Outlook*, LXXXII, 67 (1906); see also Elihu Root's speech on boss rule and invisible government before the New York Constitutional Convention, 1915, summarized in *American Year Book, 1915*, p. 89.

ent forms. Sometimes "retainers" in the form of direct money payments are given to the boss. At other times heavy contributions are made to the party campaign fund. On still other occasions opportunities are offered for safe and profitable business ventures. All favors are adjusted to the moral standards of the particular boss or leaders. The corporations recoup themselves from the public in excessive rates and exemptions from taxation or in other ways. Where such a partnership exists, it is always understood and expected that candidates will be nominated by the bosses in both parties who can be trusted to do nothing, if elected, to interfere with these privileges, when granted, and who will help to grant new ones when needed.[1] Many of the fierce factional fights that go on within party organizations are over the tremendous prizes of the nature described above awaiting exploitation by those who succeed in gaining control of the machine and through it of the officials in whom is vested the power to award these prizes.[2]

(6) Enlisting the support of laboring men and lowest class interests

(6) Every machine makes great exertions to secure the friendship of those who, through their business or position, can serve as recruiting sergeants. For this purpose it makes friends in the workmen's trade-unions, in the factories and the workshops, and even descends to the lowest steps in the social ladder to

[1] For instances of such a partnership in Denver, Col., see Judge Ben B. Lindsey's "The Beast and the Jungle," in *Everybody's*, XXI, 433 ff. (1909).

[2] For example, the bitter factional fight within the ranks of the Republican organization in Philadelphia in 1911 between the followers of the Vare brothers and those of Senator Penrose and State Senator McNichol.

get useful help; it gets hold of the keepers of lodging-houses, of gambling-houses, and of every kind of den frequented by the criminal or semi-criminal class; it gets hold of the saloon-keepers by insuring them protection against the police and the law or by paying them directly. Since their co-operation is particularly appreciated, very often the machine takes them into partnership and confers on one of them the position of "captain" of the precinct in which his saloon is situated.[1]

Causes of periodical revolt against machine rule

Against boss rule, or machine domination, in State and municipal politics, revolts break out almost periodically, attended with varying degrees of success and permanence. Usually several causes combine to produce these revolts, among which may be noted the increasing conviction that machine domination is essentially undemocratic, the quickening of the public conscience, the arrogance and disregard of public sentiment on the part of some boss or machine drunk with power, and disclosures of widely ramifying corruption and maladministration often traceable to an alliance of big business interests with the bosses and machines. Out of these revolts have come the following *suggested remedies* for boss or machine rule:

***Remedies:* (1) Direct legislation and the recall**

(1) The initiative, referendum, and recall are reserved for fuller treatment elsewhere in this volume,[2] but they should at least be mentioned in this connection as among the most important of recent devices for reducing the influence of political machines both in legislation and administration. Mention should also be made of the direct primary, which can be uti-

[1] Ostrogorski, *op. cit.*, 239.

[2] Chapters XVII and XX.

lized to weaken the machine control of nominations, though its efficacy in this direction can easily be overestimated; and also nomination by petitions signed by a few voters, which greatly reduces the expense of securing a nomination.

(2) The short ballot

(2) A reduction in the number of elective offices will remove one of the fundamental causes of the development of machines and bosses. With the success of the short ballot movement, the average voter will come to feel that he can exert a more intelligent and direct influence upon nominations and elections and will therefore feel an incentive to greater political activity. The work of selecting candidates and looking after their campaigns, which now renders the professional politicians almost indispensable, would be reduced to a minimum. This would not by any means entirely eliminate the machine or the boss. No doubt the machine would seek to name and thus to control the few remaining elective officers because of the increased patronage attaching to their offices; but it would be much easier for the public permanently to exert a decisive influence in the choice of officials than under present conditions.

(3) Independent voting

(3) More independent voting, manifested in a disposition to discriminate between good and bad nominations, would tend to weaken the machine. As explained above, the boss relies for much of his power upon slavish loyalty or party "regularity"—the practice of the great majority in voting a straight party ticket. "If we would have good crops in the field, we must scratch the weeds out. If we would have good men upon the ticket, we must 'scratch'

bad men off." [1] This is, of course, only a corrective, not a radical, remedy.

(4) Much could also be accomplished in overthrowing machine control if municipal and State elections could be divorced from national elections and national issues. It seldom happens that national issues have any vital connection with State issues, still less with municipal issues. But bosses rely upon loyalty to the national party among the rank and file of the voters to carry State and municipal elections. To cover up the misdeeds of the State or city machine, the cry is raised that the success of the party in the approaching national election, or the existence of the tariff, will be endangered by the election of the candidates of the opposing party or of independent candidates. This campaign "dodge" has been employed so often in the past that intelligent voters are being deceived less and less by it.[2] This fact and the recent increase in independent voting furnish much encouragement to the anti-machine forces.

(4) Divorcing State and national elections

(5) The creation of a wider interest in politics which will find expression in a greater participation by good citizens in the primaries and in work at the polls on election day would also do much to lessen the hold of the machine upon local and State politics. "When good men sit at home, not knowing that there is anything to be done, not caring to know; cultivating a feeling that politics are tiresome and

(5) Increased political activity of "good" citizens

[1] G. W. Curtis, *op. cit.*, II, 158.

[2] This "dodge" was very conspicuously resorted to by the Republican organization in Philadelphia in 1911 against the movement for reform in the municipal administration, but utterly failed to accomplish its purpose.

dirty and politicians vulgar bullies and bravoes; half persuaded that a republic is the contemptible rule of a mob and secretly longing for a splendid and vigorous despotism—then remember it is not a government mastered by ignorance, it is a government betrayed by intelligence; it is not the victory of the slums, it is the surrender of the schools; it is not that bad men are brave, but that good men are infidels and cowards." [1]

(6) Extension of civil service reform

(6) The extension of civil service rules to Federal appointments not covered by the competitive system, as well as the enactment, followed by strict enforcement, of State and municipal civil service laws, would be, perhaps, the most effective means available at present for undermining the power of the boss and the machine. "It is the command of millions of the public money spent in public administration; the control of the vast labyrinth of place, with its enormous emoluments; the system which makes the whole civil service the spoils of party victory. . . . It is upon this that the hierarchy of the machine is erected." [2]

(7) Anti-lobbying and publicity laws

(7) The divorce of big business interests from practical politics would be another damaging blow to the domination of the machine.[3] Stringent laws, properly enforced, regulating lobbying in legislative bodies, and laws requiring publicity of campaign contributions and the prohibition of campaign contributions by corporations,[4] have accomplished much in

[1] G. W. Curtis, *op. cit.*, I, 269. [2] *Ibid.*, II, 160.

[3] On the influence of the U. S. Steel Corporation in the municipal politics of western Pennsylvania, see J. A. Fitch, *The Steel Workers* (1910), 229–231.

[4] See chapters XI and XX.

this direction. Nevertheless, this will long remain one of the most difficult and perplexing problems with which to deal successfully by legislation so long as the interests of the corporations and of political machines run parallel. Already, however, there is seen to be a growing divergence of these interests in many States, which is, indeed, a hopeful and encouraging sign.

(8) Disinterested and efficient philanthropic organizations

(8) Finally, the creation of more efficient and well-endowed philanthropic organizations, which shall take over and perform disinterestedly the varied forms of social service now rendered by the district or ward boss in our large cities, must not be omitted from this enumeration of possible remedies for boss rule in municipalities.[1] Until this is done it is clear that no permanent elimination of boss control in municipal politics can be expected.

For the district or ward boss in our large cities is something more than a mere cog in the political machine. He is a social force. As such he constitutes one of the most formidable obstacles to municipal reform and one of the most subtle forces to be overcome in the struggle for good government. To many the term "ward boss" is synonymous with the lowest and most corrupt form of political leader. His low standards of political morality need be neither questioned nor defended. But there remains the fact that no permanent reform can be achieved until some efficient substitute is found for the important social service which he renders to his people, especially a boss of the type of the late "Little Tim" Sullivan in New York City.

[1] See Jane Addams, *Democracy and Social Ethics*, ch. VII.

Social service rendered by some ward bosses

The ability to place reform administrations in power, and, above all, the ability to keep them there, depends, fundamentally, upon the ability to control or command votes, and so to administer or to remodel, when necessary, the governmental machinery that it shall minister to genuine social needs. In the great cities it is the poorer, ignorant classes who, by reason of their solidarity and numerical voting strength, hold the balance of power. A reform administration cannot, under present conditions, hope to remain long in power unless it can gain the support of this large class of citizens. It is to this class that the ward boss ministers in a very direct way, and ministers not spasmodically, but continually. He is able to do this because he lives in close touch with his people, understands them, knows their needs, and is able to obtain money in devious ways with which to assist them. They keep him in power because he is the embodiment of their ideal of goodness. When they have been in distress of any kind, he has succored them; when the rent has fallen due and eviction has stared them in the face, his hand alone has saved them; when they have been out of work, he has found them jobs; when sickness befell them, he has sent a physician to heal; when the abhorred pauper burial seemed inevitable, he has provided a respectable funeral. They know that in the scorching days of summer his beneficence has provided free excursions to the cool countryside; that his bounty insures each Thanksgiving and Christmas season the free distribution of turkeys and ducks, unmarred by any calculating limitations of one to a family; that

when the hearth-fire has burned low in winter his charity has provided fuel and clothing.

Its significance not appreciated by reformers

His people know full well that all this care and watchfulness and generosity is no respecter of persons, but goes alike to Jew and Gentile, deserving and undeserving, Republican and Democrat.[1] His people are too simple-minded and grateful and generous themselves to look this gift-horse in the mouth and raise the cry of "tainted" money. It is neither surprising nor unnatural, therefore, that when election day comes around, and the boss tells them he needs their help, that they repay him in the only coin they have, namely, their votes. To them the axiom that government exists for the welfare of the people is no meaningless abstraction, but a concrete reality written large in the deeds of their benefactor, incarnated in the personality of their boss. He is all the government that they know. In thus realizing this ideal of democratic government, the ward or district boss has thus far been vastly more successful than the ordinary reformer. To the latter politics is, more often than not, something apart from every-day life and crying human needs; it is an episode. The reformer's efforts are disproportionately directed to externalities, to improvements in the governmental machinery. So much energy is often devoted to keeping the machinery going that the fundamental purpose of government, the welfare, social and economic, of the plain people, is sometimes obscured, if not entirely lost to view. To the ward boss, on the other hand, government means more than the loaves and

[1] See Beard's *Readings*, 581 ff., on "Charity in Tammany Politics."

fishes, the spoils of office; it is more than a machine. It is a thing of flesh and blood, directly and vitally capable of ministering to exceedingly real social and economic needs of his people. When municipal reformers are willing to humble themselves, lay aside their holier-than-thou spirit, and study the methods of the ward boss, learn to minister as he ministers, and then set themselves not merely to recasting the governmental machinery, but also to the creation of pure, efficient, and vital human institutions to do the philanthropic work which the ward bosses do, then, and not till then, it is to be feared, will permanent success be achieved. Until now the children of darkness have been wiser in their day and generation than the children of light, and the latter may well ponder the lessons to be drawn from careers of some of our famous ward or district bosses of the type of "Little Tim" Sullivan.

QUESTIONS AND TOPICS

1. Make a careful analysis of the intellectual and other personal qualities essential to a successful boss. (See Ostrogorski.)
2. What are the various tricks and devices of political machines to hoodwink and retain the support of "respectable" voters? (See Ostrogorski.)
3. The geographical distribution of political machines at the present time in the United States. (See Ostrogorski.)
4. Explain how the opening up of new city streets, boulevards, and parks is utilized by machines and bosses for their personal profit.
5. An account of machine domination in recent years in each of the following cities: Minneapolis, Chicago, San Francisco, St. Louis, Philadelphia, Pittsburg, Baltimore, and Albany, N. Y. (See Steffens.)

6. The career and methods of the following men as State bosses: Aaron Burr, DeWitt Clinton, Thurlow Weed, Roscoe Conkling, David B. Hill, Thomas C. Platt, and Benjamin Odell, in New York; Matthew S. Quay and Boies Penrose, in Pennsylvania; the late "Boss" Brayton, in Rhode Island; and A. P. Gorman, in Maryland.

7. The career and methods of prominent ward or district bosses, like "Little Tim" Sullivan, in New York City, and John J. Coughlin ("Bathhouse John") and Michael Kenna ("Hinky Dink"), in Chicago.

8. Martin Van Buren and the Albany regency.

9. The origin and history of Tammany Hall down to the time of Tweed's ascendancy.

10. The Tweed Ring: its methods and downfall.

11. The New York Canal Ring in the seventies and its overthrow.

12. Tammany under the leadership of John Kelly, Richard Croker, and Charles F. Murphy, respectively.

13. The career and machine of William Barnes, Jr., in Albany, N. Y. (see series of articles in New York *Evening Post*, September, 1910), and of George B. Cox, in Cincinnati. (See Turner.)

14. How have reform movements against machine rule in various places been organized and conducted? Why has each succeeded or failed?

15. The career of Everett W. Colby and of Mark Fagan, in New Jersey, and Winston Churchill, in New Hampshire.

16. Discuss the merits of Governor Hughes's recommendation for responsible party leaders in New York and compare with Mr. C. J. Bonaparte's proposal for an "elective boss."

17. Sir Robert Walpole as a political boss. (See standard English histories.)

18. George III as a political boss. (See Porritt and *Correspondence of George III and Lord North.*)

19. Bossism in contemporaneous English politics.

20. The relation of the police department in large cities to machine politics.

21. Graft in connection with the Pittsburg public school system. (See *Bulletin* of the Pittsburg Voters' League.)

22. What effect has the introduction of the commission form of government had upon political machines in cities?

23. Jay Gould as a capitalist-politician.

24. To what extent have bipartisan boards and commissions in your own State contributed to the success of machine rule?

25. How does the impeachment and removal of Governor Sulzer in New York in 1913 illustrate boss control of legislatures? (See references on the Sulzer trial in next chapter.)

26. What important points relating to boss and machine control in New York State government were brought out in the Barnes-Roosevelt libel suit, 1915?

27. Instances where corrupt influences have secured the creation of elective offices in order to take their control away from the electorate. (See Moffett.)

BIBLIOGRAPHY

Addams, Jane, *Democracy and Social Ethics*, ch. 7. On the philanthropic work of the ward boss.

—— "Why the Ward Boss Rules," in *Outlook*, LVIII, 879 (1898).

American Year Book, 1913, pp. 226–228, "Graft."

Atkinson, C. R., "Recent Graft Exposures and Prosecutions," in *Nat. Mun. Rev.*, I, 672 (1912).

—— "Review of Graft Prosecutions and Exposures for the Past Year" (1912–13), in *Nat. Mun. Rev.*, II, 439 (1913).

Beard, C. A., *American Government and Politics*, and *Readings*, chs. 7, 30.

—— "In Justice to Judge Lindsey," in *New Republic*, III, 35 (1915).

Bennett, W. S., "The Effect of the Immigrant on Municipal Politics," in Nat. Mun. League *Proceedings*, XV, 142 (1909).

Bigelow, John, "DeWitt Clinton as a Politician," in *Harper's*, L, 409 (1875).

Bingham, T. A., "The New York Police in Politics," in *Century*, LXXVIII, 725 (1909).

Bishop, J. B., "The Price of Peace," in *Century*, XLVIII, 667 (1894). On bosses and big business in New York.

Blair, J. L., "The St. Louis Disclosures" (1901–2), in Nat. Mun. League *Proceedings*, IX, 87 (1903).

Blankenburg, R., "Masters and Rulers of the Freemen of Pennsylvania," in *Arena*, XXXIII, XXXIV (1905). (See index.)

Bliss, W. D. P. (editor), *New Encyclopedia of Social Reform*, article, "Corruption."

Bonaparte, C. J., "An Elective Boss," in *Outlook*, XCIII, 765, 773 (1909).

Boston Finance Commission, *Reports*, 7 vols. (1908–12).

Brooks, I. T., "Railway Passes and the Public," in *Forum*, III, 392 (1887).

Brooks, Sydney, "The Politics of American Business," in *No. Am. Rev.*, CXCIII, 708 (1911).

Bryce, James, *The American Commonwealth*, II, chs. 63–64, 68, 88–89 (4th edition). Includes chapters on Tammany and the Philadelphia Gas Ring.

Cannon, J. F., "Under the Prophet in Utah," in *Everybody's*, XXIII, 723 (1910–11).

Century, XLIV, 154 (1892), "The Machine vs. the People." On David B. Hill's machine in New York.

—— LXXXV, 951 (1913), "The Larger Hope Against Tammany."

Coler, B. S., "Commercialism in Politics," in *Independent*, LIII, 2561 (1901).

Crandall, R., "Tim Sullivan's Power," in *Harper's Weekly*, LVIII, October 18, 1913, p. 14.

Croly, Herbert, *The Promise of American Life* (1910), chs. 5–6.

Curtis, G. W., *Orations and Addresses*, II, 145 ff., "Machine Politics and the Remedy."

Deming, H. E., "Corrupt Practices and Electoral Reform," in Nat. Mun. League *Proceedings*, XII, 308 (1906). On Everett Colby and New Jersey politics.

Eaton, D. B., *The Government of Municipalities* (1899), chs. 4–6. On the operations of Tammany.

Edmonds, F. S., "Significance of the Recent Reform Movement in Philadelphia," in *Annals*, XXVII, 180 (1906).

Edwards, E. J., "History of Tammany Hall," in *McClure's*, IV, 445, 569; V, 132, 325, 542 (1894–95).

Ford, H. J., *The Rise and Growth of American Politics* (1898), ch. 24.

Frisbie, W. A., "The Minneapolis House-Cleaning" (1902), in Nat. Mun. League *Proceedings*, IX, 109 (1903).

Garvin, L. F. C., "The State Boss and How He May Be Dethroned," in *Century*, LXVI, 310 (1903).

Godkin, E. L., "The Nominating System," in *Unforeseen Tendencies of Democracy*.

Goodnow, F. J., *Politics and Administration* (1900), ch. 8, "The Boss."

Green, G. W., "Our Nominating Machines," in *Atlantic Monthly*, LII, 323 (1883). Chiefly on the methods of the Tweed Ring.

Hamilton, J. J., *The Dethronement of the City Boss* (1909). On effects of commission government upon machine rule.

Hapgood, N., "The Tammany Plot," in *Harper's Weekly*, LVIII, October 11, 1913, p. 24.

Harper's Weekly, volumes for the years 1868–71 contain much on the Tweed Ring, especially the famous cartoons by Thomas Nast.

Hart, A. B., "The Bosses' Day in Court," in *Outlook*, CII, 389 (1912).

Hart, J. A., "The Political Tangle in San Francisco," in *World's Work*, XIII, 8749 (1907). On the rise of Schmitz and Ruef.

Hendrick, B. J., "The Twilight of Tammany Hall," in *World's Work*, XXVII, 432 (1914).

Hichborn, F., "*The System*," *as Uncovered by the San Francisco Graft Prosecution* (1915).

Hodder, A., "A Fight for the City," in *Outlook*, LXXIII, 159, 203, 251, 284, 393, 437 (1903). On District Attorney Jerome's campaign in New York City in 1901.

—— *A Fight for a City* (1903).

Holden, Alice M., "The Graft Investigations of the Year (1913–14), in *Nat. Mun. Rev.*, III, 525 (1914).

Horne, R., "The Story of Tammany," in *Harper's*, XLIV, 685, 835 (1872).

Howe, F. C., *The City: The Hope of Democracy* (1905), chs. 6–7.

Howland, H. J., "The Grafter at Work in American Cities," in Nat. Mun. League *Proceedings*, XVI, 190 (1910).

Independent, The, LIV, 845 (1902), "The Confessions of a Boss."

Independent, The, LV, 1013 (1903), "Defence of a Political Boss by Himself."

"Independent," "The Political Career and Character of David B. Hill," in *Forum*, XVIII, 257 (1894).

Investigation of the Offices and Departments of the City of New York, 1899. Especially on Croker's control of Tammany and the connection of the police with politics.

Ivins, W. M., *Machine Politics*, in New York City (1897).

Johnston, A., "The Albany Regency," in Lalor, I, 45.

Kennan, George, "The Fight for Reform in San Francisco," in *McClure's*, XXIX, 547 (1907).

—— "Criminal Government and the Private Citizen," in *McClure's*, XXX, 60 (1907).

Kilroe, E. P., *Saint Tammany and the Origin of the Society of Tammany or Columbian Order in the City of New York* (1913).

—— *The Origin and Development of Tammany Hall.* In preparation.

Lansing, I. J., "Reform in Scranton, Pennsylvania," in Nat. Mun. League *Proceedings*, VII, 85 (1901).

Leavitt, J. B., "Criminal Degradation of New York Citizenship," in *Forum*, XVII, 659 (1894).

Lewis, A. H., "The Diary of a New York Policeman," in *McClure's*, XL, 115, 158 (1912–13).

—— *The Boss and How He Came to Rule New York* (1904).

Lindsey, B. B., "The Beast and the Jungle," in *Everybody's*, XXI, 433, 579, 770 (1909). On political conditions in Denver, Col.

Literary Digest, XLVII, 927 (1913), "Tammany's Waterloo." On New York City election of 1913.

Lowell, F. C., "The American Boss," in *Atlantic Monthly*, LXXXVI, 289 (1900). Chiefly on Tammany.

McKelway, A. J., "The Invisible Government at Washington," in *Harper's Weekly*, LVIII, September 20, 1913, p. 6.

McLaughlin and Hart, *Cyclopedia of American Government*, I, 145, "Boss and Boss System"; 479, "Corruption, Political"; II, 177, "Influence in Government"; 384, "Machine, Political"; 591, "Organizations"; III, 467, "Tammany."

MacVeagh, Wayne, "A Great Victory for Honest Politics," in *No. Am. Rev.*, CLXXXII, 1 (1906). On the Pennsylvania reform movement of 1905.

Malone, D. F., "John Purroy Mitchel," in *World's Work*, XXVII, 391 (1914).

Maltbie, M. R., "Municipal Political Parties," in Nat. Mun. League *Proceedings*, VI, 226 (1900).

Marcosson, I. F., "Fall of the House of Quay," in *World's Work*, XI, 7119 (1906).

Merwin, H. C., "Tammany Hall," in *Atlantic Monthly*, LXXIII, 240 (1898).

Mitchell, J. I., "Political Bosses," in *No. Am. Rev.*, CXXXV, 363 (1882).

Moffett, S. E., "The Railroad Commission of California," in *Annals*, VI, 469 (1895).

Munro, W. B., *Government of American Cities* (1916), ch. 7.

Murphy, C. F., "Tammany Society," in *Encyclopedia Americana*, XX (1904).

North American Review, CV, 148 (1867), "The Judiciary of New York City," in the time of the Tweed Ring.

Oliver Grand Jury, *Report on the Causes of Municipal Corruption in San Francisco.* (Pamphlet, January 5, 1910.)

Ostrogorski, M., *Democracy and the Organization of Political Parties*, II (1902). (See index.)

—— *Democracy and the Party System* (1910), ch. 11.

Outlook, The, LXXXII, 66 (1906), "The Doom of Political Autocracy."

—— XCIV, 54 (1910), "Little Tim Sullivan."

—— CVI, 737 (1914), "A Woman Fights Political Bosses." On Miss Drake's campaign in Chicago against Alderman Coughlin.

Parsons, Frank, *The City for the People* (1901), ch. 8.

Pittsburg Voters' League, *Bulletin*, "Concerning [Corruption in] the Pittsburg Public School System," February 15, 1911.

Platt, T. C., "Autobiography of Senator Platt, in *McClure's*, XXXV, 423 (1910). On conditions in New York City.

Porritt, Edward, "England's Last Royal Political Boss," in *Century*, LXXVI, 304 (1908).

Pray, K. M., "The Siege of Penrose," in *Harper's Weekly*, LIX, October 17, 1914, p. 375.

Quigg, L. E., "Thomas Platt," in *No. Am. Rev.*, CXCI, 668 (1910).

Remick, J. W., "Winston Churchill and His Campaign," in *Outlook*, LXXXIV, 17 (1906). On alliances between corporations and politicians in New Hampshire.

Review of Reviews, XXXIII, 227 (1906), "Bossism in English Politics."

—— XLI, 387 (1910), "The New York [Boss] System."

Rhodes, J. F., *History of the United States Since 1850*, VI, 392 ff. On the Tweed Ring.

Roberts, J. B., "The Real Cause of Municipal Corruption," in Nat. Mun. League *Proceedings*, X, 148 (1905).

Roosevelt, Theodore, *American Ideals*, pt. 2, pp. 45–88, "Administering the New York Police Force."

—— "Municipal Administration: the New York Police Force," in *Atlantic Monthly*, LXXX, 289 (1897).

—— "Machine Politics in New York City," in *Century*, XXXIII, 74 (1886).

—— *Essays on Practical Politics* (1888).

Root, Elihu, "Invisible Government," in *Rev. of Rev.*, LII, 465 (1915).

Seaber, Louis, "Philadelphia's Machine in Action," in *Independent*, LVIII, 584 (1905).

Sedgwick, A. G., *The Democratic Mistake* (1912).

Shaw, A. M., "The Public Schools of a Boss-Ridden City" (Philadelphia), in *World's Work*, VII, 4460 (1904).

Steffens, Lincoln, *The Shame of the Cities* (1904). On machine and boss domination in St. Louis, Minneapolis, Pittsburg, Philadelphia, and a few other large cities.

—— "Enemies of the Republic," in *McClure's*, XXII, 587 (1904). On big business and political corruption in Missouri.

—— "New Jersey: A Traitor State," in *McClure's*, XXIV, 649; XXV, 41 (1905). On big business and corruption in New Jersey.

—— "Ohio—A Tale of Two Cities," in *McClure's*, XXV, 293 (1905). On corruption in Cincinnati and Cleveland.

—— "A Servant of God and the People," in *McClure's*, XXVI, 297 (1906). On Mark Fagan in Jersey City.

—— "The Gentleman from Essex," in *McClure's*, XXVI, 421 (1906). On Everett Colby.

Steffens, Lincoln, *The Struggle for Self-Government* (1906).

Stickney, Albert, *Organized Democracy* (1906), chs. 1, 3.

Suzzalo, H., "The Municipal Situation in San Francisco," in *Independent*, LXIV, 17 (1908).

Terry, E. R., "How Murphy Works," in *Harper's Weekly*, LVIII, October 18 and 25, 1913, pp. 22, 10.

Tilden, S. J., *The New York City Ring: Its Origin, Maturity and Fall* (1873).

Turner, G. K., "Tammany's Control of New York City by Professional Criminals," in *McClure's*, XXXIII, 117 (1909).

—— "The Thing Above the Law," in *McClure's*, XXXVIII, 575 (1912). On the career of George B. Cox in Cincinnati.

—— "The City of Chicago: A Study of the Great Immoralities," in *McClure's*, XXVIII, 575 (1907). On ward bosses.

Vickers, George, *The Fall of Bossism* (1883). On the overthrow of the Philadelphia Gas Ring.

Walker, H. W., "The Trail of the Tammany Tiger," in *Saturday Evening Post*, CLXXXVI, March 28, April 4, 11, and 18, 1914.

Wanamaker, John, *Speeches on Quayism and Boss Domination in Pennsylvania* (1898). Extracts are given in Beard's *Readings*.

Weil, A. L., "Crusaders Against Graft," in Nat. Mun. League *Proceedings*, XV, 417 (1909).

Welsh, Herbert, "The Degradation of Pennsylvania Politics," in *Forum*, XII, 330 (1891–92).

Weyl, W. E., "The Plutocracy in Politics," ch. 8, in *The New Democracy*.

Wheeler, E. P., "Tammany Hall," in *Outlook*, CV, 73 (1913).

White, T. R., "The Revolution in Philadelphia" (1905), in Nat. Mun. League *Proceedings*, XII, 135 (1906).

White, W. A., "Folk," in *McClure's*, XXVI, 115 (1905). "The story of a little leaven in a great commonwealth" (Missouri).

Wilcox, D. F., "Party Government in the Cities of New York," in *Pol. Sci. Quar.*, XIV, 681 (1899).

Williams, Talcott, "Tammany Hall," in Lalor, III, 856.

Wingate, C. F., "An Episode in Municipal Government," in *No. Am. Rev.*, CXIX, 359; CXX, 119; CXXI, 113; CXXIII, 362 (1874–76). On the Tweed Ring in New York.

Wister, Owen, "The Case of the Quaker City," in *Outlook*, CI, 163 (1912).

Woodburn, J. A., *Political Parties and Party Problems* (1914), ch. 17.

Woodruff, C. R., "Philadelphia's Revolution," in *Yale Review*, XV, 8 (1906–07).

—— "Philadelphia Puissant," in *International Quarterly*, XII, 350 (1906).

—— "Graft and Grafting: What Are the Remedies?" in *Amer. Jour. Soc.*, XIX, 468 (1914).

World's Work, XI, 7342 (1906), "Industrialized Politics." On B. B. Odell as boss of New York.

CHAPTER XVII

THE RESPONSIBILITY OF PUBLIC OFFICERS. THEIR REMOVAL BY IMPEACHMENT AND THE RECALL. THE "RECALL OF JUDICIAL DECISIONS"

Making government officials really responsible to the people

It is an axiom of democratic government that all governmental officials should be responsible to the people. Whether our government is democratic in reality or democratic only in name, whether our legislatures are representative or misrepresentative bodies, depends upon the degree of responsibility which the people can impose upon those whom they have chosen to carry on the work of government, whether that work be legislative, administrative, or judicial. How to enforce the maximum degree of responsibility and thus retain effective control of our legislative, administrative, and judicial officers constitutes one of the most important problems in practical politics at the present time. In cities and States subject to machine rule it has come to pass that legislative and administrative officers and, in some instances, even the judiciary, are frequently compelled to place all their personal and official influence at the disposal of the dominant machine or boss or of some powerful special interest. Increased knowledge of and dissatisfaction with such conditions have recently imparted new interest and intensity to the inquiry as to what means the people now possess, or what new

means may be devised, which will make the officials chosen to carry on the people's government more responsive to the will of the people and less responsive to the will of bosses and special interests.

How, it is being asked over and over, can public officials best be made to realize that they must exercise the power of their respective offices, not for the advantage of any special interest or political machine nor for the benefit of a single class in the community, but in the interest of all the people? If a legislative, administrative, or judicial officer proves unfaithful incompetent, or otherwise unworthy of public confidence, what is the best means of getting rid of him?

Are the old means of enforcing responsibility adequate for present needs?

In seeking an answer to these questions, the public is seriously considering whether the old and time-honored means of enforcing a proper sense of official responsibility and of removing delinquent officials are adapted to the needs of the present, or whether these means should be abandoned and newer and comparatively untried devices be substituted. Such are the basic considerations underlying most of the present agitation for and against the "recall" of elective officers.[1] In order to understand the origin and bear-

[1] Since the adoption of the recall provision in the Los Angeles charter of 1903, thirty-three States "have either adopted new laws providing for the summary discharge of undutiful public officers or have strengthened their old laws by the passage of vigorous amendments or have somehow facilitated the power of removal." The number and variety of offenses for which a public officer may be removed has been greatly increased and differentiated. Such offenses "now include dishonesty, corruption, habitual drunkenness, gambling, delinquency, unprofessional or disorderly conduct, habitual and wilful neglect of duty, incompetence, disability, financial irregularity, gross partiality, oppression, extortion, maladministration, conscious obstruction to the due course of the administration of

ing of that agitation, it is necessary to review briefly the existing means whereby the people are able to bring about the deposition of public officials before the expiration of the term for which they were chosen. This may now be accomplished in one of six ways:

Ways of removing officials from office

(1) In the case of appointive officers, the public may hold responsible the elected official who made the appointment and may bring such pressure to bear that he will exercise his right of removal and substitute an official likely to prove more satisfactory to the public. Thus the President is held responsible for the character and official acts of the vast army of Federal officers holding by appointment. He enjoys an extensive power of removal subject only to the comparatively few restrictions contained in acts of Congress and the civil service rules. The governors of the several States, however, enjoy only a very limited power of removal. In some States this is limited to the removal of officers whom they themselves have appointed.

Impeachment

(2) Removal by impeachment is authorized by the Federal and State constitutions. The Constitution of the United States provides that "the President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors." [1] Whether or not senators and representatives are "civil officers" whose removal

public affairs, malpractice, malfeasance, nonfeasance, misfeasance, conviction of a felony or misdemeanor or any other cause deemed sufficient." Charles Kettleborough, in *Am. Pol. Sci. Rev.*, VIII, 622 (1914).

[1] Article II, section 4.

could be accomplished through the process of impeachment has never been definitely determined. It has never been invoked against a representative, and only once against a senator,[1] and then the result was indecisive on this point.

State constitutions provide in many instances for the impeachment of any civil officer, while in other States only executive officers are liable to impeachment. The causes justifying impeachment proceedings vary, but crime, misdemeanor, treason, bribery, drunkenness, malfeasance, gross immorality, extortion, neglect of duty, incompetency, and misconduct are among those most commonly enumerated. South Carolina, however, assigns no cause, but leaves the matter to the legislature. In Oregon "public officers" are not impeachable; but they may be tried for "incompetence, corruption, malfeasance, or delinquency in office," in the same manner as for criminal offenses, and, upon conviction, may be removed from office.[2]

(3) In New York and some other States officials may be removed by the governor and Senate.[3]

(4) Judges of State courts in about sixteen States may be removed by a joint resolution of both branches of the legislature.[4]

(5) Prosecuting attorneys, minor judicial officers, and minor county and town officers may, in a few States, be removed by the judges of the higher courts.[5]

[1] William Blount, senator from Tennessee. The case was tried in 1798–99.

[2] Beard, 509; G. H. Haynes, in *Pol. Sci. Quar.*, XXVI, 35 (1911).

[3] Beard, 510.

[4] T. J. Walsh, in *Congressional Record*, XLVII, pt. 4, pp. 4137 ff.

[5] Beard, 510.

The recall

(6) A few States have recently adopted the novel process of removal by means of a special election commonly known as the "recall." This method has recently assumed such importance in political discussions as to deserve somewhat detailed consideration.[1]

Origin and rapid spread of the recall

The recall made its first appearance in the United States in the municipal charter of Los Angeles, California, in 1903. From there, in one form or another, it has been extended to cover State officers in eleven States: Oregon (1908), California (1911), Colorado, Washington, Idaho, Nevada, and Arizona (1912), Michigan (1913), Louisiana, North Dakota, and Kansas (1914). The recall has also been made a prominent feature of the commission form of municipal government in most States where that system is established. Elective officers are the ones to whom the recall is usually applied, although it has in some cases been extended to appointive officers. In favor of the recall of appointive officers it is argued that many of the appointive State offices possess political power of as much importance as that possessed by many elective offices.

Procedure under the recall

The procedure in bringing about the removal of an undesirable official by means of the recall varies in different States, but there are two principal methods. (*a*) A petition for a new election must be filed with some specified officer. This petition must contain a statement of the charges against the official and a demand for his removal. The petition must be signed by a certain percentage of the voters qualified to vote

[1] The Socialist platform of 1916 indorsed the recall for the national as well as local government officials. See chapter III.

for the officer whose removal is sought or for his successor, the number of signatures required varying in different States from 15 per cent to 60 per cent. The basis upon which this percentage is generally computed is the entire vote cast at the last preceding general election for all candidates for the office affected.[1] If the petition is found to be drawn in conformity to the law, a date is set by the proper authority for the removal or "recall" election. This usually occurs thirty or forty days after the filing of the required petition. In addition to the statement of charges against the official in the recall petition, Oregon insures further publicity by providing for a reservation of space on the ballot used in the recall election for a statement by the petitioners in not more than two hundred words. The office-holder against whom the charges are brought may set forth his defense in a similar statement on the ballot.[2] Kansas requires that a petition for the recall of any officer shall be signed only by citizens who actually voted for the election of the officer whose recall is sought or for the appointing officer where the official whose removal is desired holds office by appointment. "This plan was intended to recognize the principle that a public officer is responsible primarily to those whose confidence he presumably possessed at the outset of his term; and that proceedings for his removal from office are not to originate in the partisan

[1] Margaret A. Schaffner, *The Recall*, Wisconsin Legislative Reference *Bulletin*, No. 12 (1907), pp. 18, 19.

[2] In Oregon the legislature is authorized to provide some compensation to the office-holder for the expense of his campaign should he not be recalled. *American Year Book, 1912*, p. 66.

schemes of his political opponents, but only in the course of duty by political friends." [1]

The officer whose removal is sought may avoid recall by resigning within a certain number of days after the filing of the petition, or he may be a candidate to succeed himself; and unless he requests otherwise, his name must be placed upon the ballot without formal nomination. Other candidates may also be nominated, and the recall election is conducted in practically the same manner as an ordinary election. The one receiving the highest number of votes at the recall election wins. If it be the incumbent, he remains in office; if a rival candidate, the incumbent is removed or "recalled," and his successor serves during the remainder of the term.

(*b*) In California and some other States a slightly different procedure obtains. The name of the office-holder does not appear as a candidate to succeed himself, and there is a separate vote on the question of a recall. Candidates for the succession may be nominated by petition, by a special primary, or by designation of any appropriate party committee authorized by law. If the majority of those voting at the election vote for *the recall*, the officer is removed from office and the office goes to the candidate with the highest vote. A vote for a successor, however, is void unless the voter also votes on the question of recall; and if the majority vote against recall, all votes for a successor are void.[2]

[1] *American Year Book, 1913*, p. 79.

[2] *American Year Book, 1912*, p. 65. In some States a recall election may be preceded by a special primary at which two candidates

The "advisory" recall in Arizona

Arizona has the distinction of being the only State to extend the recall to representatives and senators in Congress and to Federal judges having jurisdiction within the State. Inasmuch as these officers hold office under the Federal Constitution and laws, they are not subject to direct recall under the State law; so an ingenious indirect or "advisory" recall has been adopted to cover them. In the case of a Federal judge, the people may vote to advise his resignation and at the same time recommend to the President their choice for his successor. Whether this advice is followed depends, of course, wholly upon the judge and the President. Such a recall can be enforced by no legal process but depends for its efficacy solely upon the force of public opinion. Against senators and representatives, on the other hand, the advisory recall is likely to be much more effective. Candidates for these offices are given an opportunity to pledge or not to pledge themselves to obey an advisory recall. Acceptance of the proffered pledge will, of course, enhance, and withholding it will prejudice, a candidate's chances of nomination and election.[1]

Checks upon too frequent use of the recall

There are certain checks connected with the recall which tend to lessen the likelihood of a too frequent resort to it. It is usually provided that no petition for removal may be filed until the official has been in office for a stated period. A second recall election

are selected to compete for the office in question at the ensuing recall election. If the office-holder fails to be renominated at the primary he is thereby recalled. This is a method used exclusively in municipal elections. *Ibid.*, 65.

[1] McLaughlin and Hart's *Cyclo. Am. Govt.*, III, 158–159.

cannot be ordered during the term for which the officer was elected. This restriction is modified in Oregon by permitting a second recall election, but only on condition that the signers of the petition pay into the State treasury the entire expense of the first recall election. The expensiveness of the recall election both to the public and to the candidates is likely to prevent too frequent employment. Still another check is to be found in the liability to prosecution for libel where untrue or defamatory charges have been preferred. When the offense has been a legislative act, the possibility, in some States, of invoking the referendum has diminished the demand for recall elections. Finally, the good sense of the voters can be relied upon to serve as an important check.[1]

Causes which led to adoption of the recall

Some of the more important causes which have produced the recall are the alleged inadequacy of the other methods of removal for dealing with the enactment of pernicious legislation, the giving away of valuable franchises and other forms of political jobbery by city councils and State Legislatures, the non-administration and the bad administration of existing laws, and the not infrequent inattention, insolence, and even open defiance of public opinion by elected or appointive officers.[2] The public has lost patience with the slowness and inadequacy of other methods of removal, and in a few States the recall has been adopted as more effective and speedy in operation.

***Advantages* of the recall**

Among the other *advantages claimed for the recall* the following may be noted. Tenure of office is

[1] J. D. Barnett, in *Am. Pol. Sci. Rev.*, VI, 41 (1912).
[2] *New Encyclopedia of Social Reform.*

frankly placed on a political basis, at the mercy of political considerations. This very insecurity of tenure is, in fact, the chief element in the recall. "Public office subject to the recall becomes a public trust in a more practical sense than was true when the holder was able to cut loose from his constituents and go merrily on his way with the comforting thought that he would have to render an account of his stewardship only after the lapse of a specified period." [1]

It is further claimed that the recall makes legislators far more responsive to the wishes of their constituents; that executive officers seek really to enforce the laws; that the people are made to feel that they are responsible for the men they choose to office and to feel a greater interest in their own government.[2]

Defects of the recall as seen in Oregon

The experience of the State of Oregon in the actual operation of the recall has served to bring to light several serious defects or weaknesses of this method of making elective officers more directly responsible to the people. First, the reasons for the demand for a recall which are stated in the petition do not always disclose all the motives, nor always the chief motive, for the demand. It is possible for the recall to be used merely as an instrument of personal or factional spite. It may be impossible to determine that the recall of an official has been because of grounds asserted in the petition or on other grounds not stated therein.[3]

In the second place, the official whose recall is sought is not given a fair chance before the people.

[1] H. S. Gilbertson, in *Annals*, XXXVIII, 833 (1911).
[2] *New Encyclopedia of Social Reform.* [3] J. D. Barnett, *op. cit.*

For, in the campaign preceding the recall election, he is required not only to defend his own record as an official, but to overcome the personal popularity of rival candidates with no record to defend. Thus the recall does not present to the voters the clearly defined issue whether the official has faithfully performed the duties of his office, which ought to be the sole issue at such an election. This defect might be remedied either by the separation of the recall election from the election of a successor or by having the successor appointed instead of elected.

While, thirdly, political "sins of commission" have been *prevented*, "sins of omission" have been *caused* by fear of a recall. For example, it is thought that the tax assessors in many instances have failed to enforce the law fully.[1]

Furthermore, it is claimed that the number of signatures to the petition is too low (25 per cent), and that the method of securing signatures is unfortunate. The petitions are circulated either by paid circulators or gratuitously by persons sufficiently interested. They are circulated at mass-meetings, at a revival meeting (in one case), on the streets, etc. Forgery of signatures is easy and has been charged. These defects could easily be remedied either by raising the percentage required or, better, by a requirement that the petition shall be left at some public office for signature. "The only possible excuse for the recall is that it should be spontaneous and that each signer should be sufficiently interested to go to some public office and sign the petition—not wait to have it

[1] *Ibid.*

shoved in his hand with a 'sign here' from a five-cents-a-name getter." [1]

Finally, the application of the recall to short-term officers is regarded by some as an important defect. For it is the short-term official whose acts are most intimately known by the people. His removal may be accomplished by refusal to re-elect at the expiration of his term, without the interference with the performance of his official duties which is inseparable from a recall campaign. The greatest value of the recall appears to lie in its possible application to officers having terms exceeding two years in length.

The recall applied to the judiciary

In a few States the recall is applied to judges of the State and local courts. It is this application of the recall to the judiciary that has encountered the strongest opposition, because it is regarded by many as an unwarranted and dangerous attack upon the "independence of the judiciary." We have long been in the habit of regarding the judiciary as quite independent of popular control. This independence is generally regarded not only as in the highest degree desirable, but absolutely essential for the fair and equal administration of justice between man and man and between the individual and the State. Consequently, any proposal like the recall, which undoubtedly would bring State and local judges[2] into more direct and immediate popular control, has aroused intense opposition, especially on the part of those who look upon the courts as the bulwark of the property interests.

[1] *Ibid.*

[2] It is rarely proposed to extend the recall to Federal judges.

Independence of the judiciary more nominal than real

When, however, we come to examine the methods by which the judges are selected in the several States, we find that this judicial independence exists more in theory than in reality. For in thirty-six States the judges are chosen by popular election. In the other States they are appointed either by the governor and Senate or by the legislature. Moreover, the judges of the lower courts in the great majority of States are elected for short terms. Judges of the higher courts hold office for longer periods—usually varying from six to twelve years, although in a few States the terms are even longer. Being elective, therefore, in most States the judges are, after all, supposedly responsible to, not independent of, the people who have chosen them to perform the judicial work which they have neither the time nor the training to do themselves. The shorter the term of the judge, the greater, obviously, is his lack of independence and the closer his dependence upon the people. In reality the judges are dependent upon those in control of the nomination and election machinery. For when we say that in most States the judges are elected, we really mean that generally two persons, one a Democrat and the other a Republican, are selected as candidates by the political bosses or machines and the people simply choose between them. The result is to give us political judges who are dependent for their renomination and re-election upon the same forces that brought them forward in the first place.[1] The application of the recall to judges is, therefore, not intended to impair their independence, but to substitute for a dependence upon bosses, machines, and corporations a

[1] *Outlook*, C, 524 (1912).

dependence upon the whole people, in whose interest and for whose welfare the judges are supposed to function.

Other methods of removing judges

Where the recall does not exist and the people desire to remove an unworthy judge before the expiration of his term, they are compelled in the majority of States to resort to formal impeachment proceedings before the legislature. In Massachusetts and about fifteen other States, however, removal may be brought about by a joint resolution of the two houses of the legislature, while in New York the recommendation of the governor and a two-thirds vote of the Senate are required. All of the foregoing methods of removal, and especially the process of impeachment, have, in the opinion of many people, proved unsatisfactory. Where the legislative body is the instrument by which removal must be accomplished, party considerations are likely to be paramount or to exercise an undue influence in the proceedings. Objection is also made to the slowness and delay incident to impeachment or removal proceedings. Furthermore, evidence sufficient to convince two-thirds of the body may be hard to get, the offense not grave enough to be a crime and yet serious enough to condemn a judge at the bar of intelligent public opinion. As Wendell Phillips said: "A man may be unfit to be a judge long before he is fit for the State prison." In actual practice, therefore, it has been found that "impeachment does not work, that unfair judges stay on the bench in spite of it, and indeed because of the fact that impeachment is the only remedy that can be used against them."

In its concrete application the adoption of the ju-

Concrete application of the judicial recall

dicial recall means that when a specified number of voters in a community think that a judge of a State or local court has decided a particular case wrongly, or is in the habit of deciding cases wrongly, or goes on the bench in a state of intoxication, or permits a railway or other corporation attorney to finance his campaign; or if a judge becomes a known corruptionist, a political trickster, or dissolute in his habits, or is guilty of other discreditable conduct, then the community may determine at a special election whether he shall remain upon the bench or be removed and some one else chosen in his place.

States having the judicial recall

The recall of judges is now[1] permitted by the constitutions of seven States: Oregon, Arizona, California, Colorado, North Dakota, Kansas, and Nevada. When the Territory of Arizona applied for admission to the Union (1910) her constitution permitted the recall of all elective officers, including judges. On this account President Taft vetoed the joint resolution providing for her admission as a State. Accordingly, the constitution was so amended as to except judges from the application of the recall, and with her constitution in that form Arizona was admitted into the Union. Having been admitted into the Union as a State, the people of Arizona legally could reinsert in their constitution, and in November, 1912, did reinsert, the provision applying the recall to judges.

Those who favor the judicial recall assert that it is of fundamental importance that the judges enjoy the confidence of the people. If for any reason, justifia-

[1] In 1916.

ble or unjustifiable, the public loses confidence in a judge, his usefulness to do the people's work is sadly impaired, if not ended. The recall, it is claimed, would operate to permit the restoration of public confidence in the courts,[1] because, among other reasons, it would tend to emancipate them from the corrupting control of corporations, political machines, and bosses. On the other hand, those who oppose the judicial recall contend that it would rob, or tend to rob, the judge of his independence, impelling him constantly in his official acts to court the favor of the people by consulting their hopes concerning litigation before him and conforming his judgments to the desires of the majority. "The character of judges would deteriorate to that of trimmers and time-servers. Self-respecting men would hesitate to accept judicial office with such a sword of Damocles hanging over them, and independent judicial action would become a thing of the past." [2]

Arguments *favorable* to the recall of judges

Much of the favor with which the proposed recall of judges has been received is traceable to the widespread feeling that the majority of our judges are out of touch with actual social and economic conditions and with the movement toward a wider democracy. This is most conspicuously revealed in those numerous instances where judges have nullified the will of the people, as embodied in legislation, by declaring unconstitutional, upon purely technical grounds, legislative acts designed to ameliorate social and economic conditions of large classes in the community. The

[1] T. J. Walsh, *op. cit.*

[2] President Taft's Arizona veto message.

possibility of a recall, it is claimed, would put an end to this practice and tend to bring judges more into sympathy with the popular will and progress of ideas among the people.

The judicial recall a crude remedy

Nevertheless, it has to be confessed that the recall is a clumsy remedy. The true remedy would seem to be not to unseat an unpopular judge at any time for any act, but either to limit or to take away the power of the judges to declare unconstitutional acts duly passed by the people's legislative agents, or at least to provide an appeal from such decisions. This could be accomplished in different ways.[1]

(*a*) The State constitution might be so amended as to deny to the courts of the State the power to declare acts of the legislature unconstitutional.[2]

(*b*) The State constitution might be so amended as to make the legislature the final judge as to its own powers. If at any time the interpretation placed upon the constitution by one legislature was not satisfactory to the people, they could choose a new legislature at the next election which would reflect their views. Thus the final interpretation of the constitution would be in the hands of the people, where it originated, as in the case of the English Parliament.

(*c*) The same result might be attained by a constitutional amendment creating special tribunals for the

[1] *Outlook*, C, 524 (1912). "During the period of seven years, from 1902 to 1908, the supreme courts of the several States declared unconstitutional about five hundred statutes." C. A. Beard, in Beard and Shultz, *Documents*, 55.

[2] The changes here described in connection with the State courts could be applied to the Federal courts by a constitutional amendment.

decision of cases involving the constitutionality of legislative acts, the members of this tribunal to be directly responsible to the people. If this tribunal failed to reflect the views of the people, the people would have an opportunity to elect new members who would correctly reflect the popular mind.

Popular review or "recall" of judicial decisions

(*d*) The suggestion which in 1912 roused the widest discussion is the following: In the case of a law which is held by a court to be unconstitutional and therefore void, it is proposed that an appeal be taken to the people, by a process analogous to the referendum, in order that the people may pass upon the question in a special election.

Stated a little more fully, the "recall or review of decisions" means that if the legislature of a State supposedly representing the wishes of the majority of the people of that State enacts, in the exercise of the police power, a statute which is approved by the governor, and the highest court of that State, in passing upon that law in a specific case, declares it to be unconstitutional, and therefore void, the question of its constitutionality shall be submitted to the people at the next general election, for them to determine whether the law as passed by the legislature and the governor shall stand, or whether the constitution of the State as interpreted by the highest court shall continue to stand and the law thereby to fail. "The plan proposed is not that the decision, meaning the judgment in the case, shall be recalled, but that the decision, meaning the opinion of the court that the act is contrary to the constitution, shall be so far recalled that after an affirmative vote by the people

in favor of the act the court cannot in a subsequent case declare that the act is invalid." [1]

This novel proposal is based upon the presumption that if the people are wise enough to adopt their own constitutions, in the first place, then they are wise enough to decide, after due deliberation, whether the language of their constitution shall be construed by the courts to permit the passage of the act declared to be unconstitutional; that in case of a clash between their legislative and their judicial servants the people should decide. This is not a recall of the judges who render the decisions; it is an appeal from the judges. Though popularly known as the "recall of decisions," it is more accurately called the popular "review of decisions." So far as the judges themselves are concerned, the process involved finds an analogy in the review, reversal, or affirmation by the Supreme Court of the United States of decisions rendered in the inferior Federal courts: the judges of the inferior courts continue in office, but make their future decisions conform to the decision of the Supreme Court.

Unfortunately for the fair and unprejudiced consideration of this novel proposition, it was advanced in the heat of an unusually exciting pre-convention Presidential campaign. It was also unfortunate in its paternity, for, despite his great qualities as a President and as a popular leader, Mr. Roosevelt is undoubtedly regarded by many people as a dangerous radical. Therefore, any proposition emanating from

[1] William Draper Lewis, speech before the New York Young Men's Republican Club, March 22, 1912, as reported in Philadelphia *Public Ledger*, March 23, 1912.

him, regardless of its intrinsic merits, has to run the gauntlet of a strong, and in some cases insuperable, personal prejudice.[1]

Attitude of conservatives toward popular review of decisions

To say that the proposal to subject a single class of judicial decisions to popular review startled the legal profession and the conservative classes is to put the case mildly. Their attitude seems to have been cogently expressed by President Taft when he said: "I have examined this proposed method of reversing judicial decisions on constitutional questions with care. I do not hesitate to say that it lays the axe at the foot of the tree of well-ordered freedom and subjects the guarantees of life, liberty, and property without remedy to the fitful impulse of a temporary majority of an electorate. . . . Such a proposal as this is utterly without merit or utility, and instead of being progressive is reactionary; instead of being in the interest of all the people and of the stability of popular government is sowing the seeds of confusion and tyranny." [2]

Four points to be kept in mind

The opinion of the average citizen concerning this proposal will probably be determined, consciously or unconsciously, by the extent to which he believes that the people are capable of making a wise use of such a power. Four points should be kept constantly and prominently in mind as an aid to clear thinking and fair judgment:

First, the recall of decisions is not the same as the

[1] For an elaboration and justification of this proposal, see Mr. Roosevelt's speech before the Ohio constitutional convention, and in Carnegie Hall, New York City, published in *Outlook*, C, 390, 618 (1912).

[2] Quoted in *Outlook*, C, 604* (1912).

recall of judges, for judges would continue to hold office until the end of their term, regardless of the popular vote on their decisions. On the contrary, the recall of decisions is offered as a *substitute* for the recall of judges. Secondly, it is not proposed to apply this recall of decisions to the decisions of the Federal courts, but only to those of the highest State courts. Thirdly, the recall of decisions would not apply to or have any connection with ordinary suits, civil or criminal, as between individuals, or between an individual and the State. It would apply only to a very limited class of cases, namely, those which involve the exercise by the legislature of the police power, that is, "the power of promoting the public welfare by restraining the use of liberty and property." Finally, it is claimed that in the case of a popular recall or review of a decision the final popular verdict would not be reached in undue haste. There would necessarily intervene between the decision and the recall election a considerable period of time. Previous to the decision the matter would be threshed out in the State Legislature, before the governor, before the court, and by the court itself in its decision. After this, from four to six months would probably elapse before the necessary petition for the election could be prepared and arrangements completed, which would afford abundant opportunity for a "campaign of education." Accordingly, there would be a period of probably not less than two years in which the people could make up their minds upon the issue thus presented to them.[1]

[1] Theodore Roosevelt, in *Outlook*, C, 618 (1912).

Colorado adopted recall of judicial decisions, 1912

Thus far, Colorado is the only State which has adopted the recall of judicial decisions. A constitutional amendment was adopted in 1912 which prohibits all courts except the Supreme Court from passing upon the constitutionality of any law or city charter or amendment thereof adopted by the people of a city. Decisions of the Supreme Court upon State laws and city charters do not become binding for sixty days after they are filed in the office of the clerk of the Supreme Court. Within that period five per cent of the qualified voters may request that such law be submitted to the people; in which case the Secretary of State must publish the text of the law and submit it to the people at a general election if held within ninety days. The legislature may also provide for submitting such laws and charters at a special election. If a majority approve the act at the election it becomes binding as a law of the State regardless of the decision of the Supreme Court. Analogous provisions apply to the case of a city charter.[1]

Ohio's Constitutional amendment, 1912

Ohio in the same year adopted an entirely different device for mitigating the evils of excessive and arbitrary legislation by judges under the guise of constitutional interpretation. A constitutional amendment was adopted which declares that no act of the legislature approved by the governor and not vetoed by the people through the use of the referendum shall be held unconstitutional by the Supreme Court unless at least six of the seven judges concur in this decision. This plan prevents judicial nullification of

[1] See *Am. Pol. Sci. Rev.*, VIII, 633 (1914).

legislation by a bare majority of the court, a thing which has occurred repeatedly in practically every State.[1]

QUESTIONS AND TOPICS

1. What method of removing officials is provided by the constitution or laws of your own State? Has it ever been resorted to, and, if so, how often and under what circumstances?

2. The impeachment of Andrew Johnson.

3. The other Federal impeachment cases, including the Archbald case, 1912. (See Roger Foster's *Commentaries on the Constitution*, and general histories.)

4. The actual operation of the recall in each State where it is authorized. (See Barnett, Oberholtzer.)

5. Is the recall of elective officers consistent with a republican form of government? (See Fink, Gilbertson, and cases there cited.)

6. The recall feature of the Arizona constitution and President Taft's veto message. (See *Congressional Record*.)

7. An analysis of the congressional debate over the recall provision of the Arizona constitution in the first session of the 62d Congress (1911). (See *Congressional Record*.)

8. What are the arguments for and against the recall of judicial decisions as advocated by Mr. Roosevelt.

9. Known instances of improper relations existing between judges of courts and special interests. (See Connolly.)

10. Summarize legislation relating to removals from office enacted in the several States since 1903. (See Kettleborough.)

[1] In 1915 Congress passed an act which has an important bearing on the much-discussed recall of judicial decisions. The act provides that the United States Supreme Court may review the decisions of the highest State courts when State statutes are held to be unconstitutional because they conflict with the Federal Constitution or laws. Heretofore, there was no appeal to the Supreme Court in such cases. The change will probably result in greater uniformity in decisions involving the constitutionality of State social-welfare legislation and will have some tendency to diminish criticism of the exercise of judicial powers by State courts in declaring such statutes unconstitutional. *American Year Book, 1915*, p. 85.

11. The operation of the recall in Los Angeles. (See Stetson.)

12. The recall of Mayor Gill in Seattle in 1913 and his reelection in 1914. (See *California Outlook*, Cotlett, Hendricks, *Outlook*.)

13. The recall of Judge C. L. Weller in San Francisco, 1913. (See *Literary Digest*.)

14. Proposed methods of taking judges out of politics. (See Harley.)

15. The debate in the New York constitutional convention of 1915 on the method of selecting judges.

16. The impeachment and removal of Governor Sulzer in New York in 1913.

17. Discussions in the Ohio constitutional convention of 1912 upon the recall and the recall of judicial decisions.

BIBLIOGRAPHY

American Bar Association, *Report of Committee to Oppose Judicial Recall* (1913).

American Year Book, *1912*, pp. 64–67, "The Recall"; *1913*, pp. 53–55, "Impeachment of Governor Sulzer."

Ashley, C. D., "The Recall of Judicial Decisions," in Acad. of Pol. Sci. *Proceedings*, III, 48 (1913).

Barnett, J. D., "The Operation of the Recall in Oregon," in *Am. Pol. Sci. Rev.*, VI, 41 (1912).

—— *Operation of the Initiative, Referendum and Recall in Oregon* (1915). Pt. 2, "The Recall."

Beard, C. A., and Shultz, B. E. (editors), *Documents on the State-wide Initiative, Referendum, and Recall* (1912).

—— *American City Government* (1912), ch. 3. On the recall.

Bourne, Jonathan, Jr., "Initiative, Referendum and Recall," in *Atlantic Monthly*, CIX, 122 (1912).

Brown, R. G., "The Judicial Recall—A Fallacy Repugnant to Constitutional Government," in *Annals*, XLIII, 239 (1912).

—— "Judicial Recall," in *Senate Documents*, 2d session, 63d Congress, No. 617 (1914).

Cleveland, F. A., *Organized Democracy* (1913), chs. 30–33.

Congressional Record, 1st session, 62d Congress. See index for the debate over the judicial recall in the constitution of Arizona.

Connolly, C. P., "Big Business and the Bench," in *Everybody's*, XXVI, 147, 291, 459 (1912).

Cottlett, F. W., "The Working of the Recall in Seattle," in *Annals*, XLIII, 227 (1912).

Current Literature, LI, 240 (1911), "The Cry of Judicial Despotism."

Davis, H. A., "The Recall as a Measure of Control by the People," in National Municipal League *Proceedings*, XII, 38 (1906).

Davis, T. A., "Annulment of Legislation by the U. S. Supreme Court," in *Am Pol. Sci. Rev.*, VII, 541 (1913).

—— *The Judicial Veto* (1914).

Dodd, W. F., "The Growth of Judicial Power," in *Pol. Sci. Quar.*, XXIV, 193 (1909).

—— "Social Legislation and the Courts," in *Pol. Sci. Quar.*, XXVIII, 1 (1913).

Dougherty, J. H., "The Recall of Judges," in Acad. of Pol. Sci. *Proceedings*, III, 99 (1913).

—— "Inherent Limitations upon Impeachment," in *Yale Law Journal*, XXIII, 60 (1913).

Fink, A., "Recall of Judges," in *No. Am. Rev.*, CXCIII, 672 (1911).

Fitzpatrick, F. S., "Some Recent Uses of the Recall," in *Nat. Mun. Rev.*, V, 380 (1916).

France, C. J., "The Recall of the Recalled," in *California Outlook*, XVI, 13 (March 21, 1914).

Frederick, K. T., "The Significance of the Recall of Judicial Decisions," in *Atlantic Monthly*, CX, 46 (1912).

Gilbertson, H. S., "Popular Control Under the Recall," in *Annals*, XXXVIII, 833 (1911).

—— "The Recall—Its Provisions and Significance," in *Annals*, XLIII, 216 (1912).

—— "Conservative Aspects of the Recall," in *Nat. Mun. Rev.*, I, 204 (1912).

Hamill, C. H., "Constitutional Chaos," in *Forum*, XLVIII, 45 (1912). On the recall of judicial decisions.

Harley, Herbert, "Taking Judges Out of Politics," in *Annals*, LXIV, 184 (1916).

Haynes, J. R., "The Actual Workings of the Initiative, Referendum and Recall," in *Nat. Mun. Rev.*, I, 506 (1912). Gives a list of recall elections to date of issue.

Hendrick, B. J., "The Recall in Seattle," in *McClure's*, XXXVII, 647 (1911).

Kales, A. M., *Unpopular Government in the United States* (1914), ch. 17.

Kettleborough, Charles, "Removal of Public Officers: A Ten-Year Review," in *Am. Pol. Sci. Rev.*, VIII, 621 (1914).

Lewis, W. D., *Address Before the New York Young Men's Republican Club, March 22, 1912.* A defense of the recall of judicial decisions. See New York and Philadelphia papers, March 23, 1912.

—— "A New Method of Constitutional Amendment by Popular Vote," in *Annals*, XLIII, 311 (1912).

—— "The Recall of Judicial Decisions," in Acad. of Pol. Sci. *Proceedings*, III, 37 (1913).

Library of Congress, *Select List of References on Impeachment* (1912).

—— *Select List of References on the Initiative, Referendum and Recall* (1912).

Literary Digest, XLVI, 169 (1913), "Judge Archbald's Conviction."

—— XLVI, 1048 (1913), "A Judge Ousted by Women's Votes," in San Francisco.

—— XLVII, 267 (1913), "The Impeachment of Governor Sulzer."

—— XLVII, 303, "The Struggle in New York." Sulzer's impeachment.

—— XLVII, 742, "The Removal of Governor Sulzer."

—— XLVII, 797, "Sulzer and Tammany."

Lodge, H. C., "The Compulsory Initiative, Referendum and Recall of Judges," in *Senate Documents*, 2d session, 62d Congress, No. 406 (1912).

Lowrie, S. G., "The Recall," in *Am. Pol. Sci. Rev.*, V, 248 (1911). Brief summary of the recent California law.

McCoy, B. B., "The Judicial Recall," in *Century*, LXXXIV, 15 (1912).

McLaughlin, A. C., *The Courts, the Constitution, and Parties* (1912).

McLaughlin and Hart, *Cyclopedia of American Government*, II, 149, "Impeachment"; III, 157, "Recall."

Mason, E. F., "Learning to Use the Recall," in *Nat. Mun. Rev.*, I, 659 (1912).

Maxey, Edwin, "The Recall of the Judges," in *Forum*, XLVIII, 294 (1912).

Metcalf, J. A., "Dangers That Lurk in the Recall of the Judiciary," in *Annals*, XLIII, 278 (1912).

Moore, B. F., "The Judicial Veto and Political Democracy," in *Am. Pol. Sci. Rev.*, X, 700 (1916).

Morgan, J. T., "Partisanship in the Supreme Court," in *No. Am. Rev.*, CXXXII, 176 (1881).

Munro, W. B., *The Government of American Cities* (1912), pp. 350–356. On the recall in cities.

Northcutt, J. G., "The Recall in Colorado," in *Green Bag*, XXV, 372 (1913).

Oberholtzer, E. P., *The Referendum in America*, ch. 18, "The Recall" (new edition, 1912).

Outlook, The, XCVII, 295, 375* (1911), "The Seattle Recall."

—— XCVII, 947, "Mayor Seymour of Tacoma."

—— XCVIII, 697 (1911), "The Recall in Texas."

—— XCVIII, 852 (1911), "Folly of the Recall."

—— XCVIII, 912, "The Statehood Veto," of the joint resolution for the admission of Arizona.

—— C, 522 (1912), "The Recall of Judges."

—— C, 528 (1912), "Mr. Roosevelt's Columbus Address."

—— C, 604* (1912), "President Taft on the Recall of Judges and Decisions."

—— C, 607, "The Recall of Judges." A letter to the editor, signed "Jus."

—— CI, 58 (1912), "The Review of Decisions: An Historical Illustration."

—— CII, 250 (1912), "The Judges and the Plain People."

—— CIII, 145* (1913), "The Conviction of Judge Archbald."

—— CIV, 875*, 886 (1913), "Governor Sulzer Impeached."

—— CV, 391 (1913), "What Are You Going to Do About It?" On Sulzer's removal.

—— CVI, 333 (1914), "Buying a Judgeship."

Owen, R. L., "Election and Recall of Federal Judges," in *Senate Documents*, 1st session, 62d Congress, No. 99 (1911).

—— "Judicial Recall," in *Senate Documents*, 2d session, 62d Congress, No. 249 (1912).

Phelps, E. M., *Selected Articles on the Recall* (1913).

Philadelphia *Public Ledger*, September 7, 1913, "Legal Status of Governor Sulzer during Impeachment."

Ransom, W. L., *Majority Rule and the Judiciary* (1912).

Remington, H., "Mr. Roosevelt's Recall of Judicial Decisions," in *Rev. of Rev.*, XLV, 567 (1912).

Roe, G. E., *Our Judicial Oligarchy* (1912).

—— "The Recall of Judges," in Acad. of Pol. Sci. *Proceedings*, III, 93 (1913).

Roosevelt, Theodore, "Arizona and the Recall of the Judiciary," in *Outlook*, XCVIII, 378 (1911).

—— "A Charter of Democracy," in *Outlook*, C, 390 (1912). Address to the Ohio constitutional convention, first proposing the recall of judicial decisions.

—— "The Right of the People to Rule," in *Outlook*, C, 618 (1912). New York Carnegie Hall speech defending the recall of decisions.

—— "A Short Political Creed," in *Outlook*, C, 720 (1912).

—— "The Judges, the Lawyers, and the People," in *Outlook*, CI, 1003 (1912).

—— "The Right of the People to Rule," in *Senate Documents*, 2d session, 62d Congress, No. 473 (1912).

Schaffner, Margaret A., *The Recall*, Wisconsin Legislative Reference *Bulletin*, No. 12 (1907).

—— "The Initiative, Referendum, and Recall," in *Am. Pol. Sci. Rev.*, II, 32 (1907).

Senate Document No. 876, 2d session, 62d Congress, *Extracts from the Journal of the United States Senate in All Cases of Impeachment, 1798–1904.*

Stetson, F. J., "The Operation of the Recall in Los Angeles," in Nat. Mun. League *Proceedings*, XV, 326 (1909).

Stimson, F. J., "Certain Retrogressive Policies of the Progressive Party," in *Am. Pol. Sci. Rev.* supplement, VII, 149 (1913).

Storey, Moorefield, "The Recall of Decisions," in *Annals*, LII, 13 (1914).

Sulzer, William, *Governor Sulzer, the Politicians, the Bosses and the Legislature.* (1914.)

Taft, W. H., *Veto Message*, on the joint resolution for the admission of Arizona, August 15, 1911, in *Congressional*

Record, XLVII, pt. 4, p. 3964. Also in Beard and Shultz, *Documents*.

Taylor, C. F. (editor), *Equity*. A quarterly review devoted to direct primary legislation, preferential voting, the short ballot, the initiative, referendum, and recall. (Philadelphia.)

—— "Checks on Concentration in Modern Charters," in *Nat. Mun. Rev.*, IV, 54 (1915).

Walsh, T. J., "Address on the Recall of Judges," printed in *Congressional Record*, XLVII, pt. 4, pp. 4137 ff.

—— "Recall of Judges," in *Senate Documents*, 1st session, 62d Congress, No. 100 (1911).

Woodburn, J. A., *Political Parties and Party Problems* (1914), pp. 449–456.

CHAPTER XVIII

PRACTICAL POLITICS IN LEGISLATIVE BODIES. CHARACTER AND QUALIFICATIONS OF MEMBERS. THE SPEAKERSHIP AND THE COMMITTEE SYSTEM. SPECIAL AND "RIPPER" LEGISLATION. METHODS OF PROCEDURE

The restraints upon a party in control of government

The ultimate aim of a political party is only partially attained when it secures control of the executive or administrative offices. Control of the legislative department is almost equally important. A party which controls the executive branch of the government, and has elected a majority of members in Congress, the State Legislature, or municipal councils, is in a position to utilize to the utmost for party purposes the machinery of government. Practically the only checks upon a party in such a position consist of constitutional and statutory restrictions and respect for public opinion. The party may use this power either to enact legislation to defeat or to carry out the popular will. It may enact legislation for the general welfare or it may legislate chiefly for the benefit of special interests. Most legislative bodies enact some legislation of each type. Subject to the limitations named, the party in power is practically unrestrained as to what it may legally do in the way of "practical" politics to strengthen its organization and to perpetuate its hold upon the government and the suffrages of the people. Of the way in

which executive officials use their power for party purposes something has been said in the chapter on the spoils system.[1] In this chapter we shall review some of the forms which practical politics assume in the legislative sphere as revealed (1) in the character and qualifications of members, (2) in the organization of legislative bodies, (3) in the character of legislation, and (4) in actual legislative procedure.

Popular distrust of legislative bodies

(1) In recent years the general public has come to entertain a feeling of distrust and even of contempt for legislative bodies, including Congress and municipal councils, but especially State Legislatures. The convening of Congress and State Legislatures is not hailed with joy, and a universal sigh of relief follows their adjournment. The utterances of the press, the opinions of publicists and scholars, and the sentiment of the street and market-place unite in their denunciation.[2]

Reasons for this distrust

One of the principal causes of this general distrust is to be found in the character and lack of qualifications of the members. It is a well-established fact that the lower house of Congress, and more especially the State Legislatures and municipal councils, contain few men of first-rate ability. Even leading politicians seldom trouble themselves to become members of State Legislatures or municipal councils, preferring to keep in the background and manipulate the legisla-

[1] Chapter XIV.

[2] S. P. Orth, in *Atlantic Monthly*, XCIV, 723 (1904). This popular distrust of legislative bodies is strongly reflected in the limitations placed upon State Legislatures and municipal councils in recent State constitutions and city charters. See chapter XX; also Beard and Shultz, *Documents*.

tors as mere pawns in the game of practical politics. The most inferior legislative bodies are found in those States which have received the greatest influx of immigrants, and in which the large cities have fallen most completely under the control of unscrupulous party managers.[1] Yet even in these States where jobbing and bribery, actual stealing from the State or municipality, and the general prostitution of the legislative power to private interests have been most rampant, the majority of members are not bad men, but are either the victims of their own ignorance and inexperience or are helpless in the presence of an all-powerful political machine. Indeed, "ignorance and stupidity in State Legislatures cause more trouble than bad intentions, because they are more common and are the materials on which men of bad intentions play." [2]

Timidity is one striking characteristic of State legislators. Few seem to think of having an opinion of their own. There are times, however, when this lack of independence has produced good results, as, for example, when it has enabled a small minority of zealous and independent reformers, backed by an aroused public opinion, to carry schemes of reform to which the majority would have been indifferent or hostile if they had dared. But under ordinary circumstances the bosses and special interests are the ones to derive most profit from the timidity, ignorance, and inexperience of legislators. Much of this timidity, it should be said, is due to a conscious lack of experience and expert knowledge of legislative methods

[1] Bryce, I, 546. [2] *Ibid.*

and wise principles of legislation.[1] The chief function of legislative bodies is of course to make laws. Successfully to perform this function requires expert knowledge, judicious temperament, and great wisdom. None of these qualities are apparent in bulk in any State Legislature. The class of men who possess expert knowledge in framing and interpreting laws are the lawyers. While they predominate over other professions in the legislatures, such lawyers as are ordinarily found there are either young men or men without large practice. An expert greatly needed in law-making but seldom found in legislative bodies is the man who is possessed of technical information concerning the conditions that bring forth the law: the mining engineer, the electrician, the shipmaster, the sociologist, the men who are most affected by the contemplated laws.[2] Furthermore, the majority of members are without previous legislative experience. It has been estimated that only from one-fourth to one-third of the members of each new State Legislature have had experience in legislative work.[3]

This ignorance of legislative methods often renders even the best-intentioned and best-principled of legis-

[1] *Ibid.*, 547.

[2] In the Illinois legislature of 1913 were found 67 lawyers, 35 farmers, 16 real-estate men, 10 clerks, 13 merchants, 8 manufacturers, 5 bankers, 5 physicians, 3 editors, 3 insurance men, 3 contractors, 3 newspaper men, 3 publishers, 2 clergymen, 2 managers, 2 "teaming," 2 salesmen, and one from each of the following vocations: druggist, printer, barber, writer, painter, solicitor, teacher, investments, auctioneer, paymaster, dentist, coal-miner, optometrist, hotel-keeper, civil engineer, lumber dealer, iron moulder, foundryman, building materials, yardmaster, and grain inspector. *Illinois Blue Book, 1913–14*, p. 24.

[3] S. P. Orth, *op. cit.*

lators easy victims of the wiles of the highly skilled representative of special interests. For every new member desires to create the impression among his constituents of having accomplished something for their direct benefit. He has certain measures which he wishes to bring forward and get passed. Totally unacquainted with the customs and procedure of the house, unfamiliar with the general nature of legislative life, the inexperienced member is at a loss what steps to take and is practically forced to seek assistance somewhere. His fellow members are equally without experience, for the most part, and are also busily engaged in promoting their own pet measures. His salary is too small to enable him to engage expert advice. Under such conditions it is no wonder that the highly trained and well-informed representatives of the special interests, called "lobbyists," find it possible to render themselves exceedingly useful, if not indispensable, to inexperienced members. Having accepted their assistance, the member quickly finds himself under obligation to the interests they represent, an obligation which they take advantage of in due time.[1]

Result of inexperience of members

Many a timid legislator seriously impairs his usefulness and exposes himself to improper influences because he is willing to sacrifice his own views of the *public* interest on many important matters, or resort to or connive at corruption, in order to "get through" some measure desired by his constituents. Or he may become over-anxious regarding the attitude which he should take on this or that measure because of the

[1] P. S. Reinsch, *American Legislatures*, 295.

possible effect upon his own political fortunes. Such men, and they are far too numerous, can never do good work as long as they are worrying over their own future. The political boss or the representative of special interests is not slow to take advantage of such wavering and vacillation in ways which are more or less reprehensible.

Some members "owned" by special interests

Then, again, there are men in nearly every legislative body who, while good men themselves, are virtually "owned" by outside parties, usually politicians in control of a machine in the district from which the member is elected; or else by some wealthy citizen who may not be in politics himself, but who is identified with big business interests seeking special legislative favors and who has paid in whole or in part the campaign expenses of the member. Not unmindful of the favors he has thus received, the member abandons his own convictions under more or less pressure and votes in accordance with the wishes of his "owner." [1]

Legislators generally have a narrow conception of their functions

Another serious weakness in the character of legislators lies in their narrow conception of their functions. "The spirit of localism" completely rules them. A member of Congress, of the State Legislature, or of the municipal council rarely feels that he is a member for the country, the State, or the city, chosen by a comparatively small district but bound to think first of the general welfare of the nation, State, or city: he is a member for New York, or for the seventh assembly district, or for the third ward, as the case may be. He feels that his first and main

[1] Theodore Roosevelt, in *Century*, XXIX, 824 (1885).

duty is to get the most he can for his constituency by means of appropriations from the Federal, State, or city treasury, or by means of legislation which specially favors his locality. No appeal to the general interest would have weight with him against the interests of that spot. What is more, he is deemed by his colleagues of the same party to be the sole exponent of the wishes of his locality and solely entitled to handle its affairs. If he approves a bill which affects the place and nothing but the place, that is conclusive; nobody else has any business to interfere. This rule is the more readily accepted because its application all round serves the private interest of every member alike. Members of more enlarged views, who ought to champion the interests of the country or the State or the city, and sound principles of legislation, are rare.[1]

Other defects in the character and qualifications of our legislators might be enumerated, but it is sufficient to have pointed out the most important. On the whole, our legislative bodies are composed of "average men, possessed of human weaknesses, prejudices, and passions. They are elected by party machinery. They are pressed by corporation and party demands. The majority are as honest as they are simple and as efficient as they are wise." [2] This was written especially of State Legislatures, but it applies with almost equal truth to members of Congress and municipal councils.

In the character and qualifications of members of legislative bodies we have only a partial explanation

[1] Bryce, I, 549.

[2] S. P. Orth, *op. cit.*, 733.

of the present wide-spread contempt of legislatures. Further explanation is to be found in an examination of their organization, the character and methods of legislation, as well as the factors or influences shaping legislation.

Practical politics in the *organization* of legislative bodies

(2) In the organization of a legislature, practical politics often play an important though not always a conspicuous part. In the first place, the Federal Constitution and most State constitutions make each house of the legislature the sole judge of the qualifications and elections of its members. Where the right of any member to a seat is contested, the case and the evidence are considered by a standing committee of the body concerned, sometimes called the committee on privileges and elections. The majority of this committee usually belong to the party having a majority in the house. When this party has a very small majority the committee often disregards the merits of the case before it and recommends that the contestant belonging to the dominant party be seated. This, of course, tends to strengthen the party in the legislature, at least numerically. More than one such case has occurred in the history of Congress, and doubtless such cases are even more numerous in some of our State Legislatures.

Contested election cases

The choice of presiding officers

One of the first duties of a legislative body is to choose its presiding officer, if that officer has not been designated by the constitution. The Federal and State constitutions determine that the Vice-President and the lieutenant-governor shall be presiding officers of the United States Senate and the upper house of the State Legislature, respectively, but there

is opportunity for party considerations to appear in connection with the choice of the president pro tempore in each of those bodies. Party lines are also sharply drawn in the election of presiding officers of municipal legislative bodies. In the lower house of Congress and the State Legislatures the presiding officer is called the speaker. He wields such an enormous political power that practical politics appear very prominently in his selection and official conduct.

The speaker

The speaker must be a man whom his party or its dominant "organization" can unreservedly trust, one who will not injure the future of the party or "organization" to gain personal popularity or aggrandizement, or even to secure legislation which he individually favors if it runs counter to the plans of the party or "organization." It is expected that he will so exercise his great powers that at the end of his term the party in city, State, or nation will find itself stronger than at the beginning. To be most successful he must be tactful, quick of mind, a man of force and decision, and one who is thoroughly familiar with the rules and precedents of the body over which he presides. In States where the machine and boss dominate politics, the speaker is always a man thoroughly in sympathy with machine ideals and practices, or at least is believed so to be by the leaders when he is selected; and he must expect to listen to and be guided by the wishes of the bosses or leaders of the "organization" on all important legislative matters.

In theory the presiding officers of legislative bodies

are chosen by the majority of the members. In actual practice the selection is made in the caucus of the majority party and ratified by vote in the whole house. In the caucus there may be rival candidates for the office, but the one who can secure a majority becomes the nominee of the party, and all party members are expected to vote for him.

Aside from their respective moderators, the officers of Congress and of State and city legislatures are not important. Nevertheless, the selection of these minor officials is honeycombed with politics, and has sometimes led to queer arrangements, by which one set of men do the work and divide the salary with another set who have the nominal appointments.[1]

Sources of the speaker's power

The enormous political power of the congressional and State speaker, alluded to above, arises mainly from three sources: from his power of "recognition," that is, his power to assign the floor to a member and thus enable the member to get a hearing before the house; from his power of "reference," that is, his power to assign bills to the several committees for consideration before they are acted upon by the house; and from his power of "appointment," that is, his power to name the members on the different legislative committees which handle the great mass of bills introduced. Leaving the speaker's power of recognition and reference for later consideration, we may appropriately take up here *the speaker's power of appointment.*

[1] A. B. Hart, *Actual Government*, 231. See also Philadelphia and Pittsburg newspapers on conditions disclosed in the Pennsylvania legislature, 1913, and Illinois Legislative Voters' League *Assembly Bulletins*, 1916.

The committee system

Every legislative body is divided into a large number of standing or permanent committees and a smaller number of select committees, appointed from time to time for some special purpose, and practically all legislation passes through the hands of these committees.[1] Each committee is supposed to deal exclusively with bills relating to some specific subject or group of closely related subjects. Thus, for example, there are committees on banking, corporations, railways, ways and means, appropriations, etc. These committees are almost invariably appointed by the speaker or other presiding officer, except in the case of the congressional committees. In the national House of Representatives, before the changes of 1910–1911, the committees were all appointed by the speaker. They are now formally elected by the house, although in reality the majority party members of the committee on ways and means, acting as a committee on committees, following the practice of the Senate, makes the different committee assignments subject to the approval of the majority caucus.[2]

Considerations and influences affecting committee assignments

Some legislative committees are more important than others, and appointments to the more important ones are much desired. The career of a member of Congress or of the State Legislature, and, to some extent, of members of municipal councils, depends very largely upon assignment to what are regarded as "good" committees. This is secured through the

[1] An excellent work on the committee system is L. G. McConachie's *Congressional Committees;* also ch. 5 in Reinsch's *American Legislatures.*

[2] In all legislative bodies the minority party is given at least some recognition on practically all committees.

speaker's favor. Certain prominent leaders in the house who supported the speaker when he was a candidate before the party caucus must, of course, be rewarded with such choice appointments as the chairmanship of the committee on ways and means or appropriations, etc. But in the distribution of other committee assignments, including the appointment of the chairmen, speakers are practically a law unto themselves, subject, of course, to the approval or advice of those leaders outside the house to whom they may owe allegiance; and thus speakers may promote or prevent a successful legislative career.[1]

Relations between the committees and the boss or leaders

Between State and municipal legislative committees and the boss or leaders of the dominant machine there often exists a very intimate relation. The appointment of committees is often delayed for weeks, even months, in order to give the machine an opportunity to test its material before grouping it for actual legislative business. In some States the power of the machine to assign members to the different committees, exercised through a subservient speaker, gives it abundant means of enticement, so that many men mortgage their legislative independence at the very

[1] This will be explained more fully in connection with the influences shaping legislation. An important reform was achieved in Congress in 1911 when the house took away from the speaker the power to appoint the committees of that body and made all standing committees elective. It may well be doubted whether the speaker in Congress will for some time to come exercise the immense influence which speakers enjoyed before the changes of 1910–11. See the Democratic platform of 1908 on the power of the speaker; also *House Manual*, 1st session, 62d Congress. A similar change was made by the Pennsylvania House of Representatives in 1913 (see *Legislative Journal*), but the old practice was restored in 1915.

beginning of the session for the empty honor of being placed on a prominent committee. Sometimes large committees are favored because they are unwieldy and can be controlled by a select ring through the use of subcommittees. In such cases the majority of the members are kept in the dark respecting important legislation, and the formal meetings simply give opportunity to the chairman to get a vote on the measures desired by the inner ring. Where such conditions prevail, "snap" committee meetings are frequently called—that is, meetings without sufficient notice.[1]

***Advantages* of the committee system**

This committee system, as the practice of having bills first considered by committees is called, has very obvious *advantages*, and it is difficult to see how any better system can be devised for handling the enormous number of bills which are introduced into every session of practically every legislative body.[2] It is a convenient means of killing off worthless bills; it enables the legislature to deal with more bills than would otherwise be possible; it promotes specialization in legislative work; it affords a plan by which Congress and other bodies can scrutinize the conduct of the executive departments of government; and it affords a means of co-operation between the executive and legislative departments.[3]

[1] To remedy this evil, Massachusetts has passed a law requiring sufficient notice to be given of all committee meetings. P. S. Reinsch, *op. cit.*, 247, 257.

[2] In forty-three legislatures meeting in 1915, 58,600 bills were introduced; in the 2d session, 63d Congress, 29,400. See D. Y. Thomas, in *Pol. Sci. Quar.*, XXIX, 85–86 (1914).

[3] J. A. Woodburn, *The American Republic*, 284; Bryce, I, 162 ff.

***Disadvantages* and *defects* of the committee system**

On the other hand, the committee system has very serious *disadvantages* and *defects*. From the standpoint of practical politics, the most serious disadvantages arise from the following circumstances: The deliberations of committees are usually secret. Public hearings are frequently granted on the more important bills, at which evidence is taken and arguments are presented for and against the measure under consideration. But ordinarily no record is kept of committee sessions and of how each member votes. Consequently it is difficult, if not impossible, to fix responsibility for what takes place in the committee room.[1] The public ordinarily knows little or nothing of committee deliberations. In strict parliamentary practice, no member is permitted to allude in the house to anything which has taken place in committee. It is largely owing to this secrecy that the legislative committees are subjected at times to tremendous pressure of private interests, so that the bills which they finally report to the house are often little more than the combined concessions to eager advocates who make their direct personal appeals to the com-

[1] This difficulty is enhanced by the large number of standing committees to be found in Congress and other legislative bodies. In the Sixty-fourth Congress there were 59 standing committees in the House and 75 in the Senate; *Congressional Directory*, 64th Congress (1916). In the Pennsylvania legislature in 1913 there were 32 standing committees in the Senate and 41 in the House; *Smull's Legislative Handbook*, 1913. In Philadelphia the common and select councils each had 27 standing committees in 1911. In the Illinois legislature of 1913 there were 67 committees in the House and 51 in the Senate. In 1915, after a bitter struggle, the number was reduced to 33 in the House and 26 in the Senate; the Senate of 1917 raised the number to 33. The Chicago City Council had 15 standing committees in 1915.

mittee concerned.[1] Abundant opportunity is offered for underhand and corrupt influences to be brought to bear upon committeemen. "In the small committee the voice of each member is well worth securing, and may be secured with little danger of public scandal. . . . Round the committees buzz that swarm of professional agents called the 'lobby,' soliciting the members, threatening them with trouble in their constituencies, plying them with all sorts of inducements, treating them to dinners, drinks, and cigars." [2]

Influence and tactics of committee *chairmen*

The committee chairmen possess extraordinary power, which may be, and often is, used as well for evil as for good. The chairman alone can call a meeting of the committee, and if "practical" politics seem to require that the committee be prevented from meeting to consider a given measure, he may refuse to call it together, or he may fix some inconvenient time when no quorum can be secured. If he is backed by the dominant "organization," there is practically no check whatever upon his action. He may declare measures passed by the committee and report them back to the house, although they have actually never received consideration or been approved by the committee. This is done when the chairman has reason to believe that a majority of the committee are opposed to the measure which he or the bosses favor. On the other hand, an unwelcome

[1] M. P. Follett, *The Speaker of the House of Representatives*, 244. No better example of such influence is to be found than in connection with tariff bills before Congress.

[2] Bryce, I, 162; II, 160.

measure may be passed by a majority in the committee and yet be carried about indefinitely by the chairman and possibly not reported at all to the house.[1]

Practical politics affect the *character of legislation*

Special legislation

(3) Practical politics, reflected in the *character of legislation*, are found frequently in connection with the enactment of what is called private or *special legislation*, as distinguished from general legislation. General laws are those which apply to all persons or certain classes of persons throughout the State or country. For example, laws regulating interstate commerce, providing for the administration of justice by the courts, regulating banking and the currency, regulating the conduct of primaries and elections throughout the State, laws compelling all manufacturers to maintain certain sanitary standards in their shops, are all classed as general or public laws. A special or local law, on the other hand, is "one applying to some particular person or corporation or locality, township, county, or city." [2] Corporations, notably public service corporations, often desire the enactment of special laws exempting them from the payment of certain taxes; railways seek legislation exempting them from the requirement of equipping their trains with safety appliances and for freedom

[1] Some legislative bodies, owing to sad experiences with the methods described above, now have rules which enable a determined majority in the house to prevent a hostile committee or its chairman from thus smothering legislation desired by a majority. A rule popularly supposed to have accomplished this was recently adopted by the House of Representatives in Washington, but has not resulted in any substantial improvement. See Haines, *Your Congress* (1915), 87 ff.

[2] Beard, 530.

to control their schedule of rates. Perpetual or long-term franchises for trolley, gas, or water companies constitute still another important species of special legislation.

Special legislation rife both in the States and in Congress

The evil of special legislation is most rife in State Legislatures, although private or special bills constitute by far the larger number of bills introduced into Congress. In all State Legislatures bills that are merely local or special greatly outnumber the general bills. The excessive amount of special and local legislation has been one of the chief strongholds of legislative corruption. It is one of the principal means by which the political boss and his machine make their power felt in dealing out or withholding special privileges or advantages. Besides confusing the general law, it furnishes almost unlimited opportunities for perpetrating jobs and for inflicting injustice on individuals or localities, in the interest of some group of speculators or politicians. The vast amount of special legislation is one of the scandals of the country and "a perennial fountain of corruption." Hence many State constitutions contain provisions designed to check this kind of legislation. In spite of such constitutional prohibitions, the amount of special legislation everywhere enacted is amazing.[1]

"Ripper" legislation and its different forms

One kind of special legislation which is peculiarly attractive to the practical politician and especially pernicious in its effects is commonly called "ripper" legislation. This assumes a number of different forms. We have laws which modify municipal charters in such a way as materially to strengthen the power of the

[1] Bryce, I, 542; P. S. Reinsch, *op. cit.*, 147 ff.

party which controls the State Legislature. For example, if a reform mayor has been chosen in a municipal election, the legislature may pass laws which strip him of his most important powers and vest those powers in old or newly created boards which the machine feels that it can control. In fact, municipal government is the favorite field for "ripper" legislation. By shifting administrative functions from State boards to municipal bodies, and *vice versa*, the loss of power by the organization in any locality can be neutralized and periods of strong local opposition successfully tided over.[1] This shifting of power is also useful to the practical politician in connection with the granting of franchises or other legislation desired by trolley and other public service corporations. In some States municipal ripper legislation has gone so far as to deprive large cities of "home rule" by legislating out of office the rightfully elected officials who are hostile to the machine and substituting for them officials appointed by a subservient governor.[2]

But ripper legislation is by no means confined to municipalities. In the State governments the dominant machine has not infrequently transferred the appointive power from the executive to the legislature when it has feared the election of a hostile governor. At other times ripper legislation takes the form of laws depriving district attorneys of the right to challenge jurors in certain cases, in order to influence the selection of juries in political trials; laws taking the

[1] P. S. Reinsch, *op. cit.*, 268.

[2] For example, the Pennsylvania act of 1901, affecting Pittsburg, Allegheny, and Scranton. See Reinsch, *op. cit.*, 268–269.

power to grant liquor licenses from the judiciary and giving it to a State excise board; and acts granting to private corporations in perpetuity extensive water-power rights belonging to the State: all these are illustrations of ripper legislation.

Practical politics in legislative *procedure*

(4) In the *actual procedure of legislative bodies* practical politics operate conspicuously. State constitutions and municipal charters contain more or less numerous restrictions upon legislative procedure, and even the Federal Constitution contains a few clauses relating to congressional procedure. Such provisions are designed to secure regularity, publicity, and due deliberation in the discussion and enactment of measures. For example, it is often provided that laws must always be passed in the form of bills, and that each bill must cover only one subject clearly expressed in the title, in order to prevent the coupling of many vicious bills with a good one or to prevent the insertion of totally distinct matters; that former statutes may be amended only in such a way as to make clear the exact change that has been made in the law; that there must be three different readings of every measure passed; that no bills shall be introduced after the expiration of a certain part of the session, so as to prevent rushing through pernicious measures during the closing hours of the session.[1]

Constitutional provisions regulating procedure

Rules continually disregarded or evaded

Every legislative body has a more or less elaborate body of printed rules which are supposed to govern all its proceedings. In practice, however, the rules of Congress and, even more frequently and glaringly, the rules of State Legislatures are modified by the

[1] Beard, 536.

"Gavel rule"

exigencies of party and machine politics to an extent that is surprising to the uninitiated. Even constitutional requirements are often treated with scant respect by State Legislatures, so that at times parliamentary proceedings are turned into a mere formality if not a travesty on regular and orderly procedure.[1] In actual practice all rules are modified to accord with the peculiar methods and needs of the controlling organization. An artificial "common consent" is created by which all constitutional and legal safeguards against hasty or special legislation are evaded and become almost futile so long as the machine has power to command action.[2] For example, the reading of the journal is quite often dispensed with, and this document which authoritatively records the action of the legislative body is usually not printed till several days have elapsed. The calendar, which ought to be a safe guide to members, is made up arbitrarily and disregarded in practice. Measures are placed upon it, or taken off, or advanced over others at will by "general consent." [3] The time limit for the introduction of new bills is frequently evaded by offering substitutes in the form of amendments to bills introduced before the limitation expired, striking out all after the enacting clause. Members are found introducing sham bills in due season which they can use as stocks upon which to graft any bill they may desire after the time limit has expired.[4] A

[1] See F. S. Munro, *Legislative Spendthrifts* (1916), and facts brought out in the so-called Fergus cases, for illustrations of such practices in the Illinois legislature of 1915.

[2] Reinsch, ch. 8. [3] *Ibid.*, 259. [4] See Bryce, I, ch. 40.

large amount of time is wasted by nearly every legislative body in the early part of the session. As a result there is very frequently an unseemly crowding of measures in the last few days. Confusion at times reigns supreme,[1] and the ordinary member finds it impossible to follow the course of business. Here is an opportunity for a capable and unscrupulous speaker to rule the assembly with a high hand, declare motions or bills carried or lost, in accordance with the interests of the clique or machine to which he may belong, and often in utter disregard of the actual facts, of parliamentary practice, of the rules of the house, and of constitutional restrictions. Many a bad measure and crudely drawn good measure is thus declared passed or "gavelled through," as it is called, in the last crowded days of a session.[2]

Pernicious amendments

The process of amendment, as suggested above, is frequently employed by the "organization" to defeat or to emasculate legislation backed by independent or reform elements in the legislature. For example, apparently innocent amendments will be added which, as the better-informed members are aware, will seriously impair the constitutionality of the measure when tested before the courts. Again, "good" laws, or laws designed to suppress crime and protected vice, may be loaded down with provisions too stringent to be capable of strict enforcement. Thus, while apparently supporting a "reform" measure, the corrupt

[1] For a description of the disorderly proceedings connected with the closing sessions of the Pennsylvania legislature in 1911, see *World's Work*, XXII, 14789 (1911).

[2] Reinsch, 259.

politicians gain another pretext for levying additional tribute upon the vicious and criminal classes in return for immunity from prosecution. "When, therefore, the cry of 'good government' is raised by politicians of this class, the real friends of decency do well to be on their guard, for in most cases what the bosses desire will be the creation of what has been called an 'administrative lie,' that is, the placing on the statute books of stringent laws against liquor and vice the very strictness of which is, however, made the means of extortion by the local political managers. It frequently happens that the influences representing lax morality gain important privileges from the legislature through acts the full bearing of which is not realized by the members in general." [1]

QUESTIONS AND TOPICS

1. Are the members of Congress and other legislative bodies chosen by the people to think for them or merely to give legislative expression to the popular thought and will? (See M. K. Hart.)

2. How are contested election cases disposed of in the different State Legislatures? (See Reinsch.)

3. Summarize the history of contested election cases before the House of Representatives in Congress. (See Rammelkamp.)

4. What are the duties and powers of the presiding officers in municipal councils?

5. A brief historical sketch of the most famous contests in Congress over the election of a speaker. (See Follett, and the general histories.)

[1] Reinsch, 273. For a good description of the way in which the committee system and legislative rules can be made to serve the interests of a political machine and to defeat measures supported by members outside of the "organization," see Reinsch, 260 ff., Beard, 538, and M. C. Kelley's *Machine Made Legislation in Pennsylvania* (1912).

6. Enlarge upon the advantages and disadvantages of the "committee system" in Congress and State Legislatures and explain the remedies proposed for the evils of the system. (See McConachie, Wilson, Bryce, Haines.)

7. Make a list of the committees in both houses of Congress and of your own State Legislature and city government. Do any special business, political, or sectional interests appear to be in control of the most important of these committees?

8. The English party "whip" and his functions. Is there any similar institution in Congress? (See Bryce, Lowell.)

9. What effect is the popular distrust of legislative bodies having upon the influence and powers of the governor and mayor in different States and cities? (See Beard.)

10. Compile all the available data showing the number and character of bills ordinarily introduced into and enacted by State Legislatures.

11. Tabulate and summarize the State constitutional limitations upon legislatures designed to prevent special or local legislation.

12. The discussions in the Pennsylvania constitutional convention of 1873 over limitations upon the power of the legislature.

13. The discussions in the New York constitutional convention of 1894 over limitations upon the power of the legislature.

14. What important "ripper" legislation has been enacted or attempted in your own State? What were the interests behind it?

15. The discussion in the Illinois constitutional convention of 1870 over limitations upon the powers of the legislature.

16. The abuses connected with contested election cases in the Illinois legislature. (See Munro.)

17. Private bills in recent Illinois legislatures. (See Munro.)

18. The change in the house rules in 1910 providing for a "calendar of motions to discharge committees," and how it has worked in practice. (See Haines.)

19. Explain the way in which the so-called house machine is perpetuated from one session of Congress to another. (See Haines.)

BIBLIOGRAPHY

Alexander, D. S., *The History and Procedure of the House of Representatives* (1916).

Beard, C. A., *American Government and Politics* and *Readings*, chs. 14, 25.

Bliss, W. D. P. (editor), *New Encyclopedia of Social Reform*, article, "Corruption."

Bryce, James, "The American Commonwealth" (4th edition), I, chs. 13–15, 44–46; II, ch. 67.

Buell, C. J., *The Minnesota Legislature of 1915*. (1915.)

Croly, Herbert, *The Promise of American Life*. (See index, "Legislative Organization.")

Culkins, W. C., "Educating the Rural Legislator," in *Nat. Mun. Rev.*, V, 287 (1916).

Chicago City Club *Bulletin*, VI, 49–59 (1913), "The Political Situation at Springfield."

Davis, R. J., "Automatic Government," in *Nation*, CI, 353 (1915). On defects in State Legislatures.

Deming, H. E., "The Legislature in City and State, 1797–1897," in Nat. Mun. League *Proceedings*, III, 89 (1897).

Follett, Mary P., *The Speaker of the House of Representatives* (1896).

Godkin, E. L., "The Decline of Legislatures," in *Unforeseen Tendencies in Democracy*.

Haines, Lynn, *The Minnesota Legislature of 1911* (1912).

—— "A Near View of Congress," in Chicago City Club *Bulletin*, VI, 78 (1913).

—— *Your Congress* (1915). A most illuminating analysis of congressional politics.

Hart, A. B., *Actual Government*, chs. 7, 14.

Hart, M. K., "People versus the Representative," in *Outlook*, LXXXVII, 730 (1907).

Haynes, G. H., "Representation in State Legislatures," in *Annals*, XV, 204, 405, and XVI, 93, 243 (1900).

Hichborn, F., *Story of the California Legislature of 1909*.

—— *Story of the California Legislature of 1911*.

Hodges, G. H., "Distrust of State Legislatures: The Cause, the Remedy," reprinted in J. T. Young's *The New American Government* (1915), 643 ff.

Holcombe, A. N., *State Government in the United States* (1916), ch. 10.

Horack, F. E., "The Committee System," in *Statute Law-Making in Iowa* (1916), pp. 533 ff.; in vol. III, *Iowa Applied History Series.*

Iowa Applied History Series, vol. III, *Statute Law-Making in Iowa* (1916), pp. 533 ff.

Jameson, J. F., "The Origin of the Standing Committee System in American Legislative Bodies," in *Pol. Sci. Quar.*, IX, 246 (1894).

Kelley, M. C., *Machine Made Legislation in Pennsylvania* (1912). By a member of the legislature of 1911.

Lapp, J. A., "Actual State Legislation," in *Annals*, XLIII, 49 (1912).

Leupp, F. E., "Do Our Representatives Represent?" in *Atlantic Monthly*, CXIV, 433 (1914).

Lowell, A. L., *Public Opinion and Popular Government* (1913), ch. 10, "Loss of Confidence in Representative Bodies."

McCall, S. W., *The Business of Congress* (1911).

—— *The Life of Thomas B. Reed* (1915).

McConachie, L. G., *Congressional Committees* (1898).

McLaughlin and Hart, *Cyclopedia of American Government*, I, 655, "Elections, Contested"; II, 336, "Legislative Output, State and National"; 341, "Legislature and Legislative Reform"; III, 355, "Committee System in the U. S."; 382, "Congress of the U. S."

Munro, F. S., *Legislative Spendthrifts* (1916). Throws much light upon practices in the Illinois legislature.

Munro, W. B., *The Government of American Cities* (1912), ch. 8. On city councils.

National Voters' League *Bulletins* and *The Searchlight on Congress*. Issued monthly.

O'Neal, Emmet, "Distrust of State Legislatures: The Cause; The Remedy," in *No. Am. Rev.*, CXCIX, 685 (1914).

Orth, S. P., "Our State Legislators," in *Atlantic Monthly*, XCIV, 728 (1904).

—— "Special Legislation," in *Atlantic Monthly*, XCVII, 69 (1906).

Ostrogorski, M., *Democracy and the Organization of Political Parties* (1902), II. (See index.)

—— *Democracy and the Party System* (1910), ch. 13.

Rammelkamp, C. H., "Contested Congressional Election Cases in the United States," in *Pol. Sci. Quar.*, XX, 421 (1905).

Reinsch, P. S., *American Legislatures and Legislative Methods* (1907).

—— *Readings in American State Government* (1911).

Roosevelt, Theodore, "Phases of State Legislation," in *Century*, XXIX, 820 (1885).

Wilson, Woodrow, *Congressional Government* (1885).

Woodburn, J. A., *The American Republic* (1903), chs. 4–5.

Woodruff, C. R., "The Pennsylvania Rippers," in *Municipal Affairs*, VI, 212 (1902). On the rippers of 1901 affecting Pittsburg and Scranton.

World's Work, XXII, 14789 (1911), "Is This Representative Government?" Description of the disorder attending the closing sessions of the Pennsylvania legislature in 1911.

CHAPTER XIX

PRACTICAL POLITICS IN LEGISLATIVE BODIES (CONCLUDED). FACTORS INFLUENCING LEGISLATION. THE SPEAKER. EXECUTIVE INFLUENCE. PARTISAN CONSIDERATIONS. GERRYMANDERS. LOBBYING. LOG-ROLLING AND BRIBERY

Forces *influencing* legislative action

Among the *influences or factors shaping or determining legislation*, other than those incidentally mentioned in the preceding chapter, (1) the speaker occupies a position of great importance.

The speaker's power of appointment and reference

Every bill introduced into a legislative body is at once referred by the speaker to some committee. Ordinarily, no bill can be acted upon by the house until it has been reported back by the committee to which it has been referred. Therefore, through his power of appointment and reference, the speaker may determine in advance the fate of bills anticipated and of bills unexpected. For example, if the speaker or those whom he represents are opposed to a reduction in the tariff, to a change in the currency or banking laws, to a State tax on incomes or on corporations, to increased appropriations for highways or educational institutions, etc., the committees which deal with these matters may be "packed" with men who are known to the leaders, at least, to be willing to use their position to defeat such measures in one way or another. On the other hand, the committees may be

so constituted as to insure the success of measures favored by a speaker personally or by his political friends.

The speaker's power of recognition

Through his power of "recognition" the speaker of the House of Representatives in Congress in a large measure controls the order of business and decides what bills shall be considered by that body. The power of "recognition" means the power to assign the floor to this, that, or the other member.[1] The speaker may recognize whomsoever he pleases. Again and again, when a member rises to obtain recognition, the speaker has asked, "For what purpose?" and then has decided whether the member is "recognized." This decision depends upon whether the member rises for a purpose which has the speaker's approval. When an important bill is before the house for consideration, the speaker usually has before him a list of men desiring to speak. So many members struggle for the floor that previous arrangement has been found to be necessary.[2] Any member, therefore, who wishes to call up a measure in the house must, as a matter of practice, visit the speaker in advance and secure his approval. In giving his consent the speaker is not unmindful of the service he has secured or may secure from the man soliciting his favor.[3]

By this power of recognition speakers have been able to prevent the consideration of motions to which they personally, or the clique to which they belong,

[1] See M. P. Follett's *The Speaker of the House of Representatives*, ch. 9.

[2] M. P. Follett, *op. cit.*, 251.

[3] Beard, 282.

were opposed.[1] Where party lines are sharply drawn upon important subjects of legislation, the minority party is absolutely helpless to avail itself even of the rules unless it can first get the recognition of the speaker. The arbitrary exercise of the power of recognition is by no means confined to the speakers of Congress. In the State Legislatures, especially in States where the party organization or machine is highly developed, the speaker exercises the power of recognition in practically the same arbitrary manner to promote or defeat legislation.

The committee on rules

The speaker's power to influence legislation in Congress through the right of recognition was enormously reinforced prior to March, 1910, by the fact that he was the chairman of the committee on rules, the four other members of which were appointed by himself and were therefore his creatures. This small committee in recent years has come to exercise practically absolute control over all important legislation, almost literally determining what might and what might not be considered by the house, and limiting the time of debate as well as the number and form of amendments. Similar committees on rules are found in the State Legislatures, exercising powers which differ in degree, but not in kind, from those enjoyed by the congressional committee. By March, 1910, however, the tyranny of this committee on rules had become intolerable, and after a dramatic session the house voted to remove the speaker from that committee, and to have the

[1] For examples of this occurring under Speakers Blaine, Carlisle, Reed, and Cannon, see M. P. Follett, *op. cit.*, and the list of references at the end of this chapter.

committee henceforth enlarged to ten, so as to be more truly representative of the wishes of the majority; and, finally, to have the members of the committee in future chosen, not by the speaker, but by the whole house.[1]

Forceful and popular executives

Among other influences or factors shaping or determining legislation, we must consider (2) the increasing influence in recent years of executive officers, the President of the United States, the governors of the States, and the mayors of our largest cities. This executive influence upon legislation may be exercised in a number of different ways.

It has more and more become the practice for executives to frame bills respecting important subjects of legislation which embody their own personal views and to have these bills introduced into the legislative body. The attention and consideration which such bills receive depend partly upon the party divisions in the legislature and partly upon the extent of the popular support back of these executive recommendations.

Executive messages

The President is required by the Constitution to give Congress information from time to time upon the state of the Union. This information takes the form of the President's message, "the most widely read public document in the United States." In his messages the President often indicates very clearly along just what lines specific legislation is needed, and sometimes an entire message is given up to an

[1] Subsequently the number of members was increased to eleven. In practice, committee assignments are determined in the caucus of each party in the house, subsequently ratified in a session of the whole house.

explanation of some specific bill recommended by the President, together with arguments in its favor. The governors of the different States and the mayors of cities enjoy the same privilege of urging legislation upon the attention of State Legislatures and municipal councils. Not infrequently executive messages, although addressed to the legislature, are in reality intended as appeals to the general public for support of certain bills to which the legislature is hostile or indifferent.

It is not uncommon for Presidents, governors, and mayors to secure legislation from a reluctant legislature by withholding or threatening to withhold patronage from members who refuse to recede from their opposition to the measures favored by the executive. Not infrequently the executive control of patronage has been used to force the enactment of legislation demanded by an aroused public sentiment, but which ran counter to the wishes of some powerful special interest or political machine to which the members of the legislature were inclined to be subservient.[1]

The veto power

The right to veto legislation is enjoyed by the President and the governors of all but one of the States (North Carolina), and also by most mayors of cities. This power is often a means of preventing pernicious legislation from taking effect. In a majority of the States the governor has the right to veto specific items in appropriation bills; and mayors frequently have the same right. This is a power by means of which a strong executive may prevent waste

[1] See comment on this practice in chapter XIV on the spoils system.

and extravagance; on the other hand, it may be used to build up a personal following and thus to advance the political fortunes of the executive. With this end in view, appropriations which are to be expended in the districts of politicians who do not enjoy the governor's favor may be greatly reduced or entirely eliminated, while extravagant sums appropriated for districts in which the governor desires to strengthen himself politically may be permitted to stand.

The veto of specific appropriations would curb congressional extravagance

This power to veto specific items in congressional appropriation bills is not exercised by the President. He either vetoes or accepts in its entirety the bill as it passes Congress. Much extravagance and waste might be prevented if the contrary practice prevailed, for advantage is frequently taken of this practice to incorporate in bills appropriating money for the support of the government or of necessary public works and improvements certain other items appropriating money for unworthy enterprises. The President is thus forced either to veto the entire bill and thus deprive the government of necessary funds or else to approve the unworthy items along with the worthy. Perhaps the most notorious instances of the kind are the annual river and harbor appropriation bill, the bills appropriating money for the erection of public or Federal buildings, such as post-offices, and for the establishment and maintenance of military posts and navy-yards. Reckless and extravagant appropriations for these and even more unworthy objects have resulted from the desire of practical politicians in both houses of Congress to have as much as possible of the government's money spent in their own dis-

tricts as a means of increasing their political influence at home. Millions of dollars are thus wasted every year by Congress until the practice has come to be a national scandal, and the appropriation bills mentioned above have received the opprobrious epithet of the "national pork barrel." It is a matter of profound regret that the President does not enjoy the right to veto specific items in appropriation bills, although it is conceivable that the power might at times be improperly used.

In still another way members of Congress take advantage of this phase of the veto power. Amendments called "riders," embodying legislation disapproved by the President, are sometimes attached to appropriation bills. The President is then forced either to accept this obnoxious amendment or to veto the entire bill. The practice of attaching "riders" is somewhat discredited and is usually tried only as a last resource. It obtains to some extent in State Legislatures and municipal councils.

Power to call "special sessions"

Through their power of calling special sessions of Congress or of the State Legislature, Presidents and governors may exercise no small influence upon legislation. Special sessions are sometimes resorted to not merely for the purpose of meeting some emergency which has arisen, but also for the purpose of forcing upon the reluctant attention of the legislature subjects of legislation in which the executive is especially interested. Where, as in some States, the legislature can consider in special session only subjects which are specifically named in the summons issued by the governor, the power of calling special

sessions may be made a powerful lever for good in the hands of a strong executive backed by a powerful public sentiment.

Considerations of party expediency or advantage

(3) *Considerations based upon party expediency* or party advantage are often potent factors in the shaping and enactment of legislation. Some measures in Congress are spoken of as "party" measures and are passed or defeated by a "strictly party" vote. Of the total number of bills voted upon by Congress, however, "party measures" form but a small proportion. The amount of party voting in Congress varies from one Congress to another and even from one session to another, and does not follow any fixed law of evolution. The proportion of party votes in Congress is distinctly less than in the English Parliament.[1]

Strictly "party measures" comparatively infrequent

In the State Legislatures, party lines are even less tightly drawn upon subjects of general legislation. Our political parties are essentially national parties, and they divide mainly upon national issues. It is, therefore, difficult for them to take sides upon questions of State legislation without drawing lines that cut and cross the regular party lines and offend a certain number of adherents. Members of most State legislatures are elected on party lines that have comparatively little connection with the actual legislative questions which they are called upon to decide.[2] When the legislature is being organized and its offices distributed, party activity is indeed very animated. On such questions as the redistricting of

[1] A. L. Lowell, in Am. Hist. Assn. *Report*, I, 319 (1901).
[2] *Ibid.*, 347.

the electorate or the creation of new local units of government, party discipline is usually kept up, but questions of general legislation are rarely made a matter of party difference. The frequency of unanimous votes is surprising. It is not unusual for more than one-half of the votes in the session to be unanimous.[1]

Odious partisan legislation

Nevertheless, considerations of party expediency frequently appear in the enactment of State legislation of a distinctly and offensively partisan character. Such legislation is designed and defended as a means of perpetuating the party's control of the State and local governments and of strengthening it numerically in Congress. Certain kinds of "ripper" legislation, such as laws providing for the removal of political opponents, laws providing long terms of office for partisan favorites, laws amending municipal charters one way for political friends and another way for political opponents, without regard to decency, consistency, or right: these are all instances of odious partisan influence in legislation.

Unfair election laws afford another illustration of partisan legislation of the baser sort. In a few States such legislation has gone to great lengths. Some years ago the party in control of the Kentucky legislature created an election system which centralized and vested in the governor, or in officials selected by him, the appointment of all local election officials throughout the State, regardless of the democratic principle of home rule, and authorized the legislature itself to canvass the election returns and to reject,

[1] Reinsch, 276–277.

virtually at its discretion, the votes of any county in the State and to declare elected whichever candidate it pleased. Furthermore, the courts were deprived of jurisdiction to review the proceedings of the legislature for the purpose of correcting errors or to regulate its action in accordance with well-established legal principles.[1]

Gerrymanders

Perhaps the worst species of legislation dictated solely by partisan considerations is to be found in laws which create unequal and unfair districts from which representatives in Congress and members of the State Legislature are to be chosen. Legal obstacles to such legislation are to be found in those Federal and State statutes and provisions of State constitutions which provide that districts shall be composed of contiguous territory and that they shall contain as nearly as practicable an equal number of inhabitants. Nevertheless, these legal requirements are either evaded or clearly violated by practically every legislative act outlining congressional or legislative districts. Where representation in a legislative body is based upon districts, it is obvious that an advantage will accrue to the party which has a majority in as many districts as possible. Exact equality in outlining districts is impracticable. It is impossible to expect the party controlling the legislature to give the advantage of the inequality to the opposite party. Instead, the dominant party takes advantage of this inevitable inequality to strengthen itself. Consequently we find States divided in such a way that the dominant party shall have a small

[1] D. B. Hill, in *No. Am. Rev.*, CLXX, 367 (1900).

but ordinarily safe majority in as many districts as possible, while the strength of the opposing party will be concentrated in as few districts as possible, where its majorities will be overwhelming. Such unequal districting of a State for partisan purposes is called a "gerrymander."

A gerrymander of congressional districts is most likely to occur soon after the publication of the results of the decennial census, especially if this shows the necessity for any change in a State's congressional representation. A gerrymander of State legislative districts may occur more frequently. It occurs most frequently in States where parties are evenly divided and where legislatures alternate frequently in their political complexion. In such States it has come to be taken for granted that the party victorious in the election of the members of the State Legislature will gerrymander the State in its own favor.[1]

Results of gerrymanders

As a result of gerrymanders, the maps of congressional and legislative districts in some States present very striking irregularities in boundaries and in the shape of different districts. For example, we have had the famous "shoe-string" district in Mississippi, three hundred miles long by twenty broad; another district, in Pennsylvania, resembling a dumb-bell;

[1] J. R. Commons, *Proportional Representation*, 59. In the State and congressional campaign of 1910 the chairman of the New York State Republican committee sent out a circular letter containing the following warning: "The election is unusually important. . . . The election of the Democratic ticket will enable the Democrats to redistrict the congressional districts so that for the next ten years twenty-five congressional districts will probably be Democratic, instead of twelve as at present. . . ." Quoted in *Outlook*, XCVII, 192 (1911).

the famous "saddle-bags" district (the 23d) in Illinois; and the "belt-line" district (the 11th) also in Illinois, running around Cook County.[1]

As another result of a gerrymander, it has sometimes happened that a representative in Congress, after having served several terms and acquired familiarity with the rules, and attained national prominence, has found his home district so reconstructed as to give the opposite party a majority, resulting in his retirement from Congress at the next election. Mr. McKinley, later President, was thus legislated out of office, and other instances might be cited.[2]

Perhaps the worst result of a gerrymander is that it virtually disfranchises many voters by placing them in districts in which their party, under all ordinary circumstances, is always in a minority, thus virtually preventing their representation in either legislature or Congress.

Creation of superfluous offices and officials

Another species of legislation dictated mainly by partisan considerations consists of acts which create new and unnecessary offices or burden these and old ones with superfluous officials. This is done with the expectation that these offices can be used as rewards for party workers or otherwise for the strengthening of the party or the dominant machine. This practice has already been considered in connection with the spoils system[3] and needs no further comment.

The party *legislative* caucus

(4) The party *legislative caucus* constitutes another important factor affecting legislation. One use made of the party caucus is for the nomination of candi-

[1] Reinsch, 202; Bryce, I, 126 n.

[2] J. R. Commons, *op. cit.*, 41; Reinsch, 201.

[3] Chapter XIV.

dates for various offices which are to be filled by election by the legislature, as, for example, the speaker of the house and the president *pro tempore* of the Senate. Nomination by the caucus of the dominant party is generally equivalent to election by the legislature. The contests in the caucus are frequently very heated and the methods resorted to in such cases are not always the purest. The lobbyists representing the special interests actively seek to get a speaker who will appoint committees favorable to their schemes. Pledges may be required and given, with the result that the committees are packed in advance, and thus the cause of legislation is predetermined.[1]

Besides influencing legislation in these indirect ways, the party legislative caucus exerts a much more direct influence. Whenever a line of policy has to be settled, or the whole party in the legislature rallied to support or oppose a given measure, the party members "go into caucus." Caucuses are held more frequently for such purposes in Congress than in State Legislatures. In State legislation the small number of distinctively party measures and the centralization of party management, including legislation, in the hands of a boss or machine oligarchy are the chief reasons for the relative unimportance of the party caucus in State Legislatures. Even in Congress only the most important measures are made the subject of caucus action. Such action cannot be applied every day or to every bill. Since 1911 the house caucus of the majority party has become vastly more

[1] Ostrogorski, *Democracy and the Party System*, 291.

important as a factor shaping and influencing legislation than ever before. It has now become perhaps the chief source of all legislation on the issues of the day and the mainspring of party action and control in the house.[1]

The caucus as a means of discipline

A caucus is sometimes resorted to where there is fear of mutiny against the orders of the organization leaders. In such cases the object of the caucus is not so much to smooth out differences of opinion as to coerce the individual members into submission. Ordinarily the caucus affords an opportunity for free discussion and thus serves as a sort of safety-valve for pent-up feelings. It sometimes happens that members who have "gone into caucus" "walk out" of the caucus before a decision has been reached on the subject under discussion, in order not to be bound by that decision. For it has come to be a recognized rule that once a member has gone into caucus he must abide by the decision of the majority or become a "bolter" or "insurgent." Where party organization is strong the bolter takes his political life in his hand. Sometimes it is deemed wise, for the sake of harmony, instead of or before resorting to the more drastic caucus action, to call a "conference" of the party members in the legislative body. The decisions of a "conference" are not supposed to be binding upon those who participate. On the whole, the caucus decisions reached in Congress, although frequently obtained by moral coercion, are not necessarily bad in themselves. Often they may be sound

"Conferences"

[1] *American Year Book, 1911*, p. 178; see also Haines, *Your Congress*, 75 ff.

and helpful for carrying on legislation. The same is less true of State legislative caucuses. Caucus decisions are seldom withheld from the public, although the caucus is usually held behind closed doors. This exclusion of the public from caucus sessions affords another opportunity for the representatives of special interests to promote or defeat legislation in ways more or less devious, and has been widely criticised in recent years.[1]

The "lobby"

(5) Perhaps the most powerful influence shaping legislation is the "lobby." The lobby is the name given to persons who undertake to influence the members of a legislative body to oppose or to support proposed legislation. One who makes a practice of thus seeking to influence legislators is called a "lobbyist," and his activity in that direction is called "lobbying." The term does not necessarily imply the corrupt use of money, nor does it necessarily impute any improper motive or conduct. Often, where the lobby is most industrious, numerous, persistent, and successful, corruption is wholly absent. "By casual interviews, by printed appeals in pamphlet form, by newspaper communications and leading articles, by personal introductions from or through men of supposed influence, by dinners, receptions, and other entertainments, by the arts of social life and the charms of feminine attraction," the legislator is besought to look with favor or disfavor upon measures which interested parties desire to have enacted

***Legitimate* lobbying**

[1] In 1913 the Republican minority caucus adopted a rule for open caucuses; but the rule contains a "joker" which provides that a secret session may be ordered at any time by a majority. See *American Year Book, 1913*, p. 22, and Haines, *Your Congress*, 79.

or defeated. Lobbying of this nature can be and often is of the greatest educative value to legislators who are personally unacquainted with the merits or defects of particular legislation.[1]

Two classes of lobbyists

There are two well-defined classes of lobbyists. The first class consists of perfectly honorable men, and sometimes women, who adopt open-and-above-board methods of influencing legislation. "They seek to organize a public opinion favorable to their measures by the industrious collection and publication of facts, the distribution of documents, and the taking of testimony before committees. . . . Reputable men in every department of life frequently endeavor to influence legislation, even in matters in which they have no pecuniary interest whatever."[2] The existence of this class of lobbyists constitutes no serious problem except as it renders difficult the drafting of laws regulating lobbying which shall not unduly restrict such legitimate activities.

The other class of lobbyists has been called the unscrupulous "harpies and vultures of politics." Some of these lobbyists are paid attorneys of corporations; many of them are former members of Congress or of State Legislatures who understand the inner workings of the legislative machinery. It is this class, very largely representing the special interests and employing means more or less corrupt, which is, perhaps, the chief cause of bad legislation and the defeat of much that is good. Many congressmen and State legislators and municipal councilmen are personally interested, and lobby for themselves among their col-

[1] A. R. Spofford, in Lalor, II, 778. [2] *Ibid.*, 779.

leagues from the vantage-ground of their official positions. In great financial centres like New York a practice had grown up a few years ago which, while formally legal, carried with it a great temptation to employ corrupt means. Firms of lawyers would undertake to draft a bill for a certain purpose, have it introduced, watch its progress, argue it before committees, prepare written statements, and finally, after it had passed, defend its constitutionality, which they guaranteed. The remuneration paid for these services was at times exceedingly high, fees of $100,000 being not unusual. As the fees were contingent upon the passage and final validity of the law, it is apparent that they constituted an inducement to use methods which were not strictly professional. In fact, under the guise of legal representation, compensated by regular fees, some of the most objectionable lobbying has been carried on.[1]

Lobbying largely disappears where there is a strong boss

In States or cities where a boss or machine is in full control of a legislature the number of lobbyists is likely to be small. Instead of each special interest which desires to influence legislation having to go to the trouble and expense of interviewing and persuading the individual members until a sufficient number can be won over, all that is necessary is to "see" the boss and comply with his terms. Whereupon the boss issues the necessary orders to "the boys" in the legislature or council, and the measure usually meets the fate desired. Here, as was explained in an earlier chapter,[2] is one of the greatest sources of power of the boss. The opportunity thus afforded for the enact-

[1] Reinsch, 292.

[2] Chapter XVI.

ment of special legislation of a pernicious character, and for the defeat of good legislation, is too obvious to need further comment.[1]

In the case of Congress, however, there is no such thing as one organized or centralized lobby. At every session a host of lobbyists descends upon Washington and attempts to influence legislation, sometimes by individual, sometimes by associated action. Changes in the tariff rates, in the internal revenue taxes, in the banking and currency laws, mining statutes, public land laws, patent and pension laws, shipping subsidy bills, labor legislation, railway regulation, trust legislation, appropriation bills for river and harbor improvements—these and a multitude of other subjects of legislation bring to the capital expert lobbyists skilled in the manipulation of legislative bodies and employing every imaginable means.[2]

Chief causes of the prevalence of lobbying

The chief causes of the widely ramifying activities of the lobby, both in Congress and State Legislatures, are to be found in the nature of our legislative methods, especially in the opportunities which the committee system furnishes for influences to be brought to bear upon a few persons who occupy strategic positions with respect to pending legislation; and in the increasing number and variety of matters with which legislative bodies are called upon to deal. Sixty years ago there was comparatively little need of a lobby.[3] But under present conditions it is impossible for any ordinary member of a legislative body to keep abreast of his work. His own personal knowledge of the

[1] See Reinsch, 233 ff.

[2] A. R. Spofford, *op. cit.*, 778.

[3] *Nation*, LXXI, 206 (1900).

need for legislation and the merits or defects of pending bills is utterly inadequate. The number of bills which explain themselves is comparatively small, and on many points even the most intelligent and active members welcome guidance. Indeed, it would seem as if the functions of our legislatures are, after all, nearly as much judicial in nature as strictly legislative. For comparatively little legislation originates in the State Legislatures or municipal councils. In the case of Congress, probably the proportion of legislation drafted by members is greater. But in all legislative bodies the major part of bills is drawn up by outsiders and introduced by some member "by request." [1] Thus it has come about that a legislative body of necessity becomes to a great extent a court, or, better, in view of the universal committee system, a series of small courts which hear and determine matters brought before them by interested parties. While special interests are ever on hand to present their case before these courts, public opinion is seldom sufficiently well organized to make itself heard effectually.[2]

Public opinion

(6) Nevertheless, public opinion should be reckoned among the important factors shaping legislation, although it has to be confessed that instances of its influence at times seem all too rare. On occasions, however, public opinion has been even more powerful than the lobby and the machine. These occasions have most frequently arisen when public

[1] *Independent*, LXII, 1203 (1907).

[2] See comment of Mr. S. B. Scott on appropriations for charitable institutions in the Pennsylvania legislature, Philadelphia *Public Ledger*, February 2, 1915.

interest in legislation has been stimulated through some crying abuse or as a result of vigorous agitation in favor of some important reform measure. "Public opinion in such cases becomes articulate through newspaper propaganda and through the organization of various reform associations. While the special interests, of course, always provide themselves with newspaper organs, such affiliations are soon discovered by the public and the editorial column of such papers loses its influence. Some of the most gratifying defeats of machine manipulations in legislation have been brought about by the hue and cry raised by the independent metropolitan press. . . . Legislative organizations will be careful not to defy public opinion, however ready they may be to defeat it." [1]

Miscellaneous forces **influencing legislation**

(7) The other factors or influences shaping legislation call for only brief comment. Many bills are put through legislative bodies by resorting to what is called "log-rolling." This process may be illustrated as follows: "Two members, each of whom has a bill to get through, or one of whom desires to prevent his railroad from being interfered with while the other wishes the tariff on an article which he manufactures kept up, make a compact by which each aids the other. This is log-rolling. You help me roll my log, which is too heavy for my unaided strength, and I will help you to roll yours." [2] The term is derived from pioneer times, when frontiersmen helped one another in rolling logs, making clearings, and building cabins.

"Log-rolling"

The practice of log-rolling explains the enactment

[1] Reinsch, 279, 282. [2] Bryce, II, 160.

of much special legislation of a pernicious character and much of the wastefulness and extravagance that have appeared in congressional appropriations and, in a somewhat less degree, in State appropriations. River and harbor bills, for example, are loaded down with appropriations for utterly unworthy undertakings, because congressmen have come to feel that their standing with their constituents and tenure of position depend not upon their high abilities for dealing with really great issues, but upon the success with which they may secure appropriations for selfish local interests—that is, "get pork out of the public pork-barrel." And it is only by voting for the appropriations of this nature which are desired by his colleagues that the ordinary congressman can secure the appropriations he desires for his own district.[1] Log-rolling also obtains to a deplorable degree in connection with appropriations for public or Federal buildings, the establishment and upkeep of army posts, and special legislation in the form of private pension bills. In State Legislatures, on a smaller scale, the same extravagant and wasteful method of log-rolling is rampant. The size of appropriations is determined not by any fair or adequate considerations of the merits of the recipient institution or project, but by the necessity of making the surplus in the State treasury "go round," so that as many interests as possible may be served at the "pie-counter."

Extravagance of legislative bodies largely due to log-rolling

The precise extent to which bribery and other forms of corruption serve to influence legislation will probably never be known. In the nature of the transac-

Bribery

[1] Beard, 271.

tion, with laws and public opinion almost universally condemning bribery, it is conducted with the greatest possible secrecy. Only now and then does an exposure suggest the possible full extent of the evil. It undoubtedly exists to some extent in all legislative bodies, and is believed to be especially frequent in the case of municipal councils and the legislatures of a few States. In Congress Mr. Bryce estimates that perhaps five per cent of the members may be susceptible to such influence. Proof of direct corruption in Congress has been very rare, though during the Civil War there were some actual cases of the payment of money for votes, and during Reconstruction three members of the house were found guilty of selling nominations to West Point. Occasionally members have been known to accept stocks and bonds as gifts, or to take them over at low prices, with the understanding that the enactment of pending legislation would greatly increase their market value. During the last forty years, however, few legislative bodies in the world have been freer from charges of the transfer of votes for money or direct valuable considerations.[1]

Inviting bribery by "hold-up" or black-mailing bills

Many people feel that when legislators accept bribes they are more sinned against than sinning, and should therefore be dealt with leniently. The pressure brought to bear upon law-makers by bosses, special interests, and political machines, it is pointed out, is a force of whose power the average citizen has no adequate conception. At the same time, many, if not most, of the State Legisla-

[1] A. B. Hart, *Actual Government*, 247.

tures contain a few unprincipled members who deliberately invite bribery. This takes the form of what is called "strike" legislation, or "hold-up" bills. Sometimes a member brings in a bill directed against some railroad or other corporation, merely to levy blackmail upon it. Examples of such "strikes," or "hold-ups," are to be found in bills requiring railroads to establish standard scales at country cross-roads, put asphalt between the rails in desolate places, place stock-yards on costly terminal grounds, etc.[1] Mr. Bryce mentions a certain State senator who for some years regularly practised this trick. Having introduced his "strike," the senator would come straight to New York, call at the railroad offices, and ask the president of the road what he would give him to withdraw the bill. Professor Reinsch is authority for the statement that the president of a New York life insurance company declared that eighty per cent of all legislative bills referring to insurance are "hold-up" measures.[2]

Owing to this practice, the representatives of industrial and commercial interests claim that they are forced to the adoption of corrupt methods as a means of self-protection against unreasonable legislation or of securing such laws as are necessary to the proper prosecution of their business. In the majority of cases, however, this defense of corruption is unconvincing. Money spent in this way to avoid legisla-

[1] M. Gardenshire, in *No. Am. Rev.*, CXCI, 483 (1910).

[2] Bryce, II, 161; Reinsch, 283. See also Haines, *The Minnesota Legislature of 1911*, pp. 97–98. For examples of "hold-up" or "regulator" bills in the Illinois legislature, see I. L. Pollock, in *Statute Law-Making in Iowa* (1916), 684, n. 66.

tion is worse than wasted, since the appetite grows by what it feeds on. It appears clearly, from a study of the action of the great industrial interests, that they often do not go into the legislature primarily for the purpose of self-defense, but on account of a desire to gain undue privileges denied to others, and to resist legislation demanded in the interest of the public.[1]

Influence of a strong and well-led minority

A strong, well-organized, and ably led minority in a legislative body sometimes exerts an influence in shaping legislation. By taking advantage of disagreements in the dominant party, and by resorting to dilatory parliamentary tactics, called "filibustering," a minority has been able to wear out the majority and prevent an obnoxious measure from coming to a final vote. This is sometimes a potent weapon in the last crowded days of a congressional or legislative session. Filibustering may also be resorted to with the view not of ultimately defeating a measure, but for the purpose of bringing the majority party to accept certain amendments desired by the minority. Again, the minority has not infrequently performed an important service by exposing the hollowness of much supposedly good legislation supported by the organization and the perniciousness of other organization measures.

Having thus reviewed the principal ways in which practical politics appear in connection with legislative bodies, and noted some of the evils connected therewith, we shall outline in the next chapter some of the ways in which certain of these evils have been met and, in a measure, remedied.

[1] Reinsch, 255.

QUESTIONS AND TOPICS

1. Give specific instances where the speaker's power of recognition has been used to influence congressional legislation? (See Bryce, Follett, Hale.)

2. Compare the position, influence, and methods of the speaker of Congress with the speaker of the English House of Commons.

3. Compare the influence and methods of the speaker in Congress and the speaker in your own State Legislature.

4. In what different ways did the following men add to the influence and power of the speakership in Congress: Henry Clay, James G. Blaine, Schuyler Colfax, Samuel J. Randall, Thomas B. Reed? (See Follett.)

5. Causes and results of the agitation against "Cannonism," 1907–10.

6. Collect specific instances of the way in which the house committee on rules influenced important congressional legislation before the change of 1910.

7. An account of the circumstances attending the elimination of the speaker from the committee on rules in Congress, March 19, 1910.

8. The new method of selecting house committees in Congress, the circumstances which produced the change, and the debate over the proposed change in 1911.

9. Compare the composition, powers, and methods of the committee on rules in your own State Legislature with those of the congressional committee on rules.

10. Compare English and Canadian parliamentary methods with American legislative procedure. (See Bryce, Ford, Lowell's *Government of England*.)

11. The English system of dealing with private bills and regulating lobbying before Parliament.

12. The Louisiana Lottery Company and the Louisiana legislature. (See Buell, McGloin, Wicliffe.)

13. Lobbying methods in the New York legislature as revealed in the insurance investigation of 1905.

14. Lobbying in Congress by the Union Pacific Railway interests, 1867–88. (See *Senate Exec. Docs.*, 1st session, 50th Congress.)

15. What pernicious legislative methods appear in connection with congressional river and harbor bills, pension legislation, appropriations for post-offices and other Federal buildings?

16. Mention as many important instances as you can in which executive influence was an important factor in forcing or shaping legislation under Presidents Cleveland, Roosevelt, Taft, and Wilson.

17. The President of the United States as a party leader.

18. Compare the conception of the proper relations of the governor to the State Legislature illustrated in the methods of Governor Hughes and Governor Dix, of New York; Governor Baldwin, of Connecticut; Governor Wilson, of New Jersey; and Governor Harmon, of Ohio.

19. What important State legislation has been brought about largely through the influence of recent governors, notably Governors La Follette, of Wisconsin; Wilson, of New Jersey; Harmon, of Ohio; and Johnson, of California?

20. Give as many instances as you can in which mayors of important cities have been largely instrumental in bringing about desirable and preventing undesirable municipal legislation.

21. The effect of national parties upon State parties and State politics. (See Bryce, Lowell.)

22. Give concrete illustrations of the ways in which minorities have been able to influence important legislation, especially in Congress.

23. Give all the instances you can, in recent years, when organized public opinion has compelled the abandonment or the enactment of important State and congressional legislation.

24. Explain how and why the minority party in State Legislatures and municipal councils often works in harmony with the dominant party or "organization." (See Reinsch, Bryce.)

25. Criticisms of the tyranny of the modern congressional caucus. (See Beard's *Readings*, quoting the *Congressional Record*, and Haines.)

26. The origin of the practice of gerrymandering and early instances of its use. (See Griffin, Griffith.)

27. The Wisconsin gerrymander of 1891. (See Commons and *Rev. of Rev.*)

28. The New York apportionment fight of 1905.

29. Corruption in Southern State Legislatures during the period of "carpet-bag and negro rule." (See Fleming's *Documentary History of Reconstruction*, II, and various monographs on Reconstruction.)

30. The selling of nominations to West Point by congressmen in the Reconstruction period.

31. Recent disclosures of corruption in the legislatures of New York and other States in connection with legislation. (See Gardenshire.)

32. The Mormon church in its relations to State and national politics.

33. Speaker James G. Blaine and the Little Rock and Fort Smith affair, 1871–76. (See Rhodes.)

34. The Crédit Mobilier scandal in Congress in 1872.

35. The contest in the Pennsylvania legislature of 1913 over changes in the rules and the method of appointing committees.

36. The Senate investigation of the tariff lobby in 1913, 1st session, 63d Congress.

37. Governor James Cox, of Ohio, and his influence upon Ohio legislation (1913–14).

38. Appropriation legislation for charitable and educational institutions in Pennsylvania. (See Fleischer.)

39. What is to be said in favor of restricting the powers of the house committee on rules in Congress? (See Haines.)

40. Discuss the important riders attached to appropriation bills during President Wilson's administration. (See Haines.)

41. What are the principal criticisms directed against the caucus domination of the House of Representatives in Congress? (See Haines.)

42. The work of the Democratic house caucus in the 62d and 63d Congresses (1911–15), especially in connection with the tariff, currency, and trust legislation. (See Haines.)

43. What important reforms in congressional procedure are recommended by the National Voters' League? (See Haines, *Searchlight on Congress*.)

BIBLIOGRAPHY

Abbott, E. H., "The Liberation of the House," in *Outlook*, XCIV, 750 (1910).

Adams, C. F., "Pensions—Worse and More of Them," in *World's Work*, XXIII, 188, 327, 385 (1911–12).

Alexander, D. S., *The History and Procedure of the House of Representatives* (1916).

Alger, G. W., "Executive Aggression," in *Atlantic Monthly*, CII, 577 (1908).

American Year Book, 1910, pp. 138, 165. On the removal of Governor Sulzer.

Andrews, R. E., "Grip of the Gerrymander," in *Independent*, LXX, 1002 (1911).

Atkinson, C. R., and Beard, C. A., "The Syndication of the Speakership," in *Pol. Sci. Quar.*, XXVI, 381 (1911).

Beard, C. A., *American Government and Politics*, and *Readings*, chs. 14 and 25.

Beard, Mary R., "The Legislative Influence of Unenfranchised Women," in *Annals*, LVI, 54 (1914).

Beveridge, A. J., "Canada's System of Responsible Government," in *McClure's*, XXXVII, 330 (1911).

Bishop, J. B., "The Price of Peace," in *Century*, XLVIII, 667 (1894). On big business and legislation in New York.

Bliss, W. D. P. (editor), *New Encyclopedia of Social Reform*, article, "Corruption."

Brooks, R. C., *Corruption in American Politics and Life* (1910).

Bryce, James, *The American Commonwealth*, I, chs. 13–15, 44–45; and appendix, "The Lobby" (4th edition).

Buell, C. C., "The Degradation of a State," in *Century*, XLIII, 618 (1892). On the Louisiana lottery.

Buell, C. J., *The Minnesota Legislature of 1915* (1915).

Burns, W. J., "Where Legislators Come Cheap," in *Harper's Weekly*, LVIII, March 21, 1914, p. 9. On Canadian legislative corruption.

Burton, T. E., "The Scandal of the Federal Appropriation Bills," in *World's Work*, XXV, 438 (1913).

Cannon, J. F., "Under the Prophet in Utah," in *Everybody's*, XXIII, 723 ff. (1910–11). On the Mormon church in politics.

Cannon, J. G., "The Powers of the Speaker," in *Century*, LXXVIII, 306 (1909).

Chamberlain, W. B., "A Great Democratic Governor," in *World's Work*, XV, 10132 (1908). On Governor Johnson, of Minnesota.

Cockrell, E., "The Sources of the Speaker's Power," in *Arena*, XXII, 657.

Commons, J. R., *Proportional Representation* (2d edition, 1907).

Congressional Directory, 1st session, 64th Congress, 428 ff., for maps of all congressional districts (1916).

Congressional Record, 1st session, 62d Congress, XLVII, pt. 1, pp. 10, 161 ff. (1911). On the new house rules and the debate over the appointment of committees.

Cooper, C. P., "Progress and Reaction in Pennsylvania," in *Outlook*, CXI, 1045 (1915). An interview with Governor Brumbaugh.

Creel, George, "What About Hiram Johnson of California?" in *Everybody's*, XXXI, 448 (1914).

Cummins, A. B., "The President's Influence a Menace," in *Independent*, LXXVIII, 350 (1914).

Dalzell, John, "The Rules of the House of Representatives," in *Independent*, LXIV, 577 (1908).

Danner, V. E., "Making Government Efficient," in *Forum*, LI, 354 (1914).

Edmunds, G. F., "Perils of Our National Elections," in *Forum*, XII, 691 (1892). On the gerrymander in Alabama, 1891.

Finley and Sanderson, *The American Executive and Executive Methods* (1908), chs. 6, 14.

Fleischer, A., "Pennsylvania's Appropriations to Privately Managed Charitable Institutions," in *Pol. Sci. Quar.*, XXX, 15 (1915).

Ford, H. J., *The Cost of Our National Government* (1910). On congressional extravagance.

—— "American and Canadian Political Methods," in *No. Am. Rev.*, CXCIV, 684 (1911).

Fuller, H. B., "The Crime of the Pork Barrel," in *World's Work*, XX, 13259 (1910).

—— "Wasting the Government's Money," in *World's Work*,

XXI, 14001 (1911). On appropriations for public buildings.

Fuller, H. B., *Speakers of the House* (1899).

—— "American Waterways and the Pork Barrel," in *Century*, LXXXV, 386 (1912–13).

Gardenshire, M., "Bribery in the Legislature," in *No. Am. Rev.*, CXCI, 482 (1910).

Griffin, H. C., "The Gerrymander," in *Outlook*, XCVII, 186 (1911).

Griffith, E. C., *The Rise and Development of the Gerrymander* (1907).

Haines, Lynn, *The Minnesota Legislature of 1911* (1912).

—— *Your Congress* (1915).

Hale, W. B., "The Pension Carnival," in *World's Work*, XX, 13485 (1910). On pension extravagance by Congress.

—— "The Speaker or the People," in *World's Work*, XIX, 12805 (1910).

—— "Woodrow Wilson," in *World's Work*, XXIII, 522 (1912).

Hart, A. B., "The Biography of a River and Harbor Bill," in *Practical Essays on American Government.*

—— *Actual Government*, chs. 7, 14.

Hearst's Magazine, XXI, 2204d ff. (1912), "The History of the Standard Oil Letters." On relations of Standard Oil Company to legislation.

Hendrick, B. J., "Governor Hughes and the Albany Gang," in *McClure's*, XXXV, 495 (1910).

—— "Woodrow Wilson: Political Leader," in *McClure's*, XXXVIII, 217 (1911).

—— "Pork Barrel Pensions," in *World's Work*, XXIX, 521, 713, and XXX, 99, 156 (1915).

Hichborn, F., *Story of the California Legislature of 1909.*

—— *Story of the California Legislature of 1911.*

Hill, D. B., "We Are Too Much Governed," in *No. Am. Rev.*, CLXX, 367 (1900).

Hinds, A. C., "The Speaker of the House of Representatives," in *Am. Pol. Sci. Rev.*, III, 153 (1909).

House Reports, 2d session, 63d Congress, No. 570 (1914). Committee on judiciary charges against member of the house and concerning lobby activities.

Howe, F. C., "Choose Your Congressman," in *Everybody's*, XXIII, 593 (1910).

Howland, H. J., "Hughes, Governor," in *Outlook*, LXXXVIII, 303 (1908).

Hull, M. D., "Legislative Procedure," in *Am. Pol. Sci. Rev.*, VII, 739 (1913). On new rule in Illinois legislature of 1913.

Humphreys, B. G., "The Inside of the Pork Barrel," in *Saturday Evening Post*, CLXXXVI, 16 (May 25, 1914).

Kelley, Florence, "Woman and Social Legislation in the U. S.," in *Annals*, LVI, 62 (1914).

Kelley, M. C., *Machine Made Legislation* (1912).

Lindsey, B. B., "The Beast and the Jungle," in *Everybody's*, XXI, 433, 579, 770 (1909). On big business in Colorado politics and legislation.

Literary Digest, XLII, 869 (1911), "The New Order in New Jersey." On Woodrow Wilson as governor.

—— LXVI, 1164 (1913), "Governor Sulzer's Fight on Tammany."

—— LXVI, 1257 (1913), "The President's War on the Tariff Lobby."

—— LXVII, 3 (1913), "Hunting the Insidious Lobbyist."

—— LXVII, 43 (1913), "Smoking Out the Invisible Government."

Lowell, A. L., "The Influence of Party upon Legislation in England and America," in Am. Hist. Assn. *Report*, I, 319 (1901).

MacAdam, H., "The Insurgents," in *Everybody's*, XXVI, 770 (1912).

MacDonagh, M., "Mr. Speaker," in *Nineteenth Century*, LVIII, 320 (1905). On the English speaker.

Macfarlane, P. C., "The President in Practice," in *Collier's*, LIII, April 18, 1914, p. 5. On President Wilson.

McGloin, F., "Shall the [Louisiana] Lottery's Charter Be Renewed?" in *Forum*, XII, 555 (1891–92).

McLaughlin and Hart, *Cyclopedia of American Government*, I, 476, "Corruption, Legislative"; II, 362, "Lobby"; III, 369, "Speaker of the House."

McMaster, J. B., *With the Fathers* (1902), pp. 71–86, "The Political Depravity of the Fathers."

—— "The Political Depravity of the Fathers," in *Atlantic Monthly*, LXXV, 626 (1895).

Mason, E. C., *The Veto Power* (1891).

Mathews, J. M., "The New Rôle of the Governor," in *Am. Pol. Sci. Rev.*, VI, 216 (1912).

National Voters' League, *Bulletins*, and *The Searchlight on Congress*, issued monthly.

Nelson, H. L., "Making Laws at Washington: Government by the Hierarchy," in *Century*, LXIV, 169 (1902).

New York Constitutional Convention, 1894, *Revised Record*, III, 1083, 1162; IV, 34 ff. On gerrymander.

—— Legislative Insurance Investigation Committee, *Report*, VII, 300, and index, 555.

Ostrogorski, M., *Democracy and the Organization of Political Parties* (1902), II. (See index.)

—— *Democracy and the Party System* (1910), ch. 13.

Outlook, LXXXIX, 12 (1908). "Government by Oligarchy."

—— XCVI, 857 (1910), "How I Was Converted Politically." On railroads in Kansas politics.

—— XCVI, 990 (1910), "A Railway Out of Politics." The Boston and Maine.

Philadelphia *Public Ledger*, September 22, 1913. An extended account of organized labor's congressional lobby, based upon charges made by the National Association of Manufacturers.

Pollock, I. L., "Some Abuses Connected with Statute Law-Making," in *Statute Law-Making in Iowa* (1916), pp. 611–687; in vol. III, *Iowa Applied History Series*.

Reinsch, P. S., *American Legislatures and Legislative Methods* (1907).

—— *Readings on American Federal Government* (1909), pp. 223 ff.

—— *Readings in American State Governments* (1911).

Review of Reviews, IV, 497 (1891), "Down with Gerrymandering."

—— XLI, 387 (1910), "The New York System." On legislative corruption.

Roosevelt, Theodore, "Thomas Brackett Reed and the Fifty-first Congress," in *Forum*, XX, 410 (1895–96).

—— "Practical Politics," in *Outlook*, CIII, 917 (1913).

Russell, C. E., "Scientific Corruption in Politics," in *Hampton's*, XXIV, 843 (1910). On Pacific Railway lobby in Congress.

Russell, C. E., "The Railroad Machine as It Now Works," in *Hampton's*, XXV, 364 (1910).

—— "What Are You Going to Do About It?" in *Cosmopolitan*, XLIX, 147, 283, 466; L, 45, 151 (1910–11). On legislative corruption.

Schaffner, Margaret A., *Lobbying*, Wisconsin Legislative Reference *Bulletin* No. 2 (1906).

Senate Executive Documents, 1st session, 50th Congress, No. 51, vols. II–VI (1888). See "C. P. Huntington," in index. On Pacific Railway lobby.

Smith, E. B., "Street Railway Legislation in Illinois," in *Atlantic Monthly*, XCIII, 109 (1904).

Spofford, A. R., "Lobby," in Lalor, II, 778.

Stevens, F. C., "A Defence of the Rules of the House of Representatives," in *Rev. of Rev.*, XXXIX, 470 (1909).

Taft, W. H., *The Presidency* (1916).

Taylor, Hannis, "The Speaker and His Powers," in *No. Am. Rev.*, CLXXXVIII, 495 (1908).

Thomas, C. S., "My Adventures with the Sugar Lobby," in *World's Work*, XXVI, 540 (1913).

Turner, G. K., "What Wilson Is Up Against," in *McClure's*, XL, 148 (1913).

Villard, O. G., "The Mystery of Woodrow Wilson," in *No. Am. Rev.*, CCIV, 362 (1916).

Wicliffe, J. C., "The Louisiana Lottery: A History of the Company," in *Forum*, XII, 569 (1891–92).

Wilson, Woodrow, *Constitutional Government in the United States* (1911), ch. 3.

Woodburn, J. A., *Political Parties and Party Problems* (1914), "The Gerrymander," ch. 20.

Woodruff, C. R., "A Mayor with an Ideal," in *Outlook*, LXXXVIII, 921 (1908). Mayor Guthrie, of Pittsburg.

World's Work, XX, 13273 (1910), "A Congressman's Letter." A defense of "pork barrel" and tariff legislation.

—— XXIV, 265 (1912), "The Climb of the Pension Tax." Charts given.

—— XXIX, 489 (1915), "A Two-Year Record." On President Wilson as party leader.

—— XXXII, 259 (1916), "A New $100,000,000 Pork Barrel." On the army appropriation bill, 1916.

CHAPTER XX

REMEDIES FOR LEGISLATIVE EVILS. IMMUNITY LAWS. ANTI-LOBBYING LAWS. LEGISLATIVE REFERENCE LIBRARIES. VOTERS' LEAGUES. THE INITIATIVE AND REFERENDUM

Of the numerous plans or devices which have been suggested from time to time as remedies for the evil legislative practices noted in the last two chapters, the following are the most important and deserving of careful consideration.

(1) Constitutional limitations

(1) Most State constitutions, reflecting the general distrust of legislatures and disappointment over the results achieved by them, contain provisions designed to remedy certain legislative evils: by limiting the duration of legislative sessions and making them less frequent; by defining and regulating the main steps in procedure and safeguarding against hasty, ill-considered, and one-sided legislation; by prohibiting the enactment of special and local laws where a general law can be made to apply. As has already been stated, such constitutional provisions are not infrequently disregarded in actual practice.[1]

(2) Reforms in legislative organization and procedure

(2) Numerous changes in legislative organization and procedure have been proposed: for example, a reduction in the number and size of the committees; committee assignments to be made by a committee

[1] Reinsch, 129–130. For a summary of other constitutional restrictions, see Beard, 531–532, and Beard and Shultz, *Documents*, 3–12.

on committees instead of by the speaker; election of committee chairmen by members of each committee, and the selection of committee employees in the same manner; each committee to keep and publish regularly a calendar of business referred to it; publicity for all committee hearings and caucus sessions, including the keeping and publication of the records of all committee sessions; the installation of an electrical system for recording yea and nay votes,[1] thereby saving an immense amount of time now consumed in roll-calls. Legislative rules sometimes attempt to guard against the smothering of bills in committee by providing that after a committee has had a bill under consideration a certain length of time without reporting, the committee may be discharged from further consideration of the measure by a vote of the house, whereupon the bill automatically goes upon the calendar for consideration by the house. Generally, however, the vote required to discharge a committee is so high as to render the rule ineffective. Finally, in Congress and most of our State Legislatures an easier method of amending rules from time to time to keep them in harmony with the will of the majority is highly desirable.

(3) Judicial decision of contested election cases

(3) In order to minimize the evil of partisan decisions in contested election cases affecting members of legislative bodies, it has been suggested that all such cases be tried and determined in the ordinary courts of justice where the rights of each party may receive more impartial consideration.

[1] The installation of such a system was authorized by the Wisconsin legislature in 1915; see *Am. Pol. Sci. Rev.*, X, 335 (1916), and Lynn Haines, *Your Congress* (1915), 117.

(4) Veto of specific appropriations, and the "local co-operating plan"

(4) Power conferred upon the President, governor, or mayor to veto or reduce specific items in appropriation bills might be, and in some States has proved to be, an effective means of checking legislative extravagance. On the other hand, there is a constant temptation for the legislature to curry favor with various constituencies by voting large appropriations for those districts and throwing upon the governor the responsibility for the veto or reduction of the amounts thus appropriated. The possibility also of the misuse of this veto power by unscrupulous executives has already been mentioned.[1]

Another possible check upon congressional extravagance is embodied in the suggestion called "the local co-operating plan." According to this plan, Federal appropriations for public works or buildings, usually included in the term "pork-barrel legislation," should be proportioned to the willingness of the community deriving the main advantage therefrom to contribute a reasonable amount, perhaps one-tenth, toward the cost of such enterprises. It is claimed that this plan "would provide the necessary balance-wheel of economy by transferring to public finance the well-known rule of organized benevolence—to help those who are trying to help themselves."[2]

The adoption of a thoroughgoing responsible budget system by Congress and the State Legislatures as well would likewise tend very materially to curb legislative extravagance.

(5) Bribery of legislators could be materially re-

[1] See chapter XIX.

[2] Anson Phelps Stokes, Jr., in *Harper's Weekly*, LVII, March 22, 1913, p. 9. See also *World's Work*, XXXII, 607 (1916).

(5) "Immunity" statutes

duced, if not extirpated, by the adoption of so-called "immunity statutes," which free from punishment the party to a bribery transaction who confesses and furnishes evidence for the conviction of the other party or parties. At present the laws of most States hold the bribe-giver and the bribe-taker equally guilty and are ineffective. Bribery is essentially a crime of darkness; only two persons, as a rule, have knowledge of it, the bribe-giver and the bribe-taker. Ordinarily, there are no disinterested witnesses of the transaction. The parties arrange to meet in secret and in secret arrange the details of their agreement. They are careful to leave no record or memorandum which might be made the basis of prosecution. Being equally guilty, both have the strongest motive for concealing the crime. For either to disclose the transaction may result in his own prosecution and the escape of the other equally guilty party. Thus the punishment of these and similar offenses has often been placed practically beyond the power of the law. In order to meet this situation, immunity laws have been enacted in a few States. To the objection that it is unjust that the bribe-giver should be permitted to go free while the bribe-taker is punished, or *vice versa*, the reply is that it is better to have one of two guilty parties given immunity than to permit both to escape prosecution and a most serious crime to go entirely unwhipped of justice.[1]

[1] F. E. McGovern, in Am. Pol. Sci. Assn. *Proceedings*, IV, 266 (1907). "We make a statute declaring that the bribe-taker shall be punished as a felon . . . in the same rule provision is made that the man who offers the bribe shall also be a felon, and thereby we wipe out the only available witness to the transaction." M. Gardenshire, in *No. Am. Rev.*, CXCI, 485 (1910).

(6) The most obvious remedy for evils due mainly to the character of legislators and their lack of proper qualifications for lawmaking consists in the nomination and election of men better qualified by character, training, and practical experience for the important work of legislation. Increased popular interest in nominations and improvements in nominating methods will tend in this direction.

(6) Legislative reference libraries

A quicker agency for supplying some, at least, of the needed training and experience is to be found in the creation of a competent legislative reference library or bureau. This experiment was first successfully tried in Wisconsin. A few years ago the legislature of that State voted a small appropriation for a legislative reference library, and a man thoroughly trained in history, economics, and politics was put in charge. With a small expenditure of money he rapidly gathered a valuable collection of reports, bills, and laws—catalogued and indexed so as to be at all times readily available. When the legislature convened, the librarian was ready to give every member impartial service and reliable information. No matter what subject a member might be interested in, or what bill he might be desirous of introducing or combating, the librarian was able quickly to furnish information as to what other States had done, how such legislative experiments had succeeded, and how to frame his own proposals. Bills were drafted for members at their request, and they were given hints on important points of practice, and even arguments were prepared for them if they so desired. Unwearied service, universal helpfulness, impartial and tactful

The Wisconsin experiment

dealing with any public question brought up, enabled the expert to give the members exactly what they needed, to furnish them a place where they could go in the fullest confidence that the best sort of information and assistance which any effort could secure would be supplied to them. "The result has been most gratifying. Already, long before the session begins, inquiries commence to pour in asking for information concerning legislative precedents, conditions in this and other States, the feasibility and constitutionality of laws, etc. Throughout the session the expert and all his assistants are working at red heat, keeping abreast with the endless and exacting demands made upon them. The members of the legislature, having an unpolluted source of information at their command, gain self-reliance and confidence; they are able to meet the pleader for special interests with strong arguments drawn from their independent armory. Some of the experienced legislative counsel who appeared before this legislature declared they had never come before a body of men so well informed and so keen in their insight, and yet no more than good average representatives of the people of the State. Moreover, seeing the bearing of the questions with which they were dealing, not confused by half-understood arguments, the members have taken an increased interest in the work before them." [1]

Institutions performing similar functions are now in successful operation in more than half the States of the Union, and in 1915 Congress appropriated $25,000 for the establishment of a legislative refer-

[1] Reinsch, 296–297.

ence division in connection with the Library of Congress. The librarian of Congress is directed "to employ competent persons to gather, classify, and make available, in translations, indexes, digests, compilations, and bulletins, and otherwise, data for or bearing upon legislation, and to render such data serviceable to Congress and committees and members thereof."[1]

The New York method

To serve a similar purpose, New York has provided by statute that the temporary president of the Senate and the speaker of the assembly shall appoint a number of competent drafters, whose duty it shall be, during the session of the legislature, on the request of either house, or of a committee, member, or officer thereof, to draw bills, examine and revise proposed bills, and advise as to the consistency and legal effect of any legislation. Unfortunately, however, this group of supposed experts is by no means always consulted.[2]

(7) Legislative voters' leagues

(7) More effective methods of enlightening the public concerning legislative proceedings, and of bringing public opinion to bear upon legislative bodies, have in two or three States done much to defeat pernicious legislation and to prevent the re-election of corrupt members; also to bring about the enactment of much desirable legislation. Only a beginning of really efficient work in this direction has been made. The most noteworthy examples are to be found in the work of the Massachusetts Civic League, the committee on legislation of the Citizens' Union of New York City,

[1] See Herbert Putnam, in *Am. Pol. Sci. Rev.*, IX, 542 (1915).
[2] Beard, 542.

and the Legislative Voters' League of the State of Illinois. Such organizations have been aptly called "the people's lobby." Of such non-partisan organizations, perhaps none is more efficient than the Illinois Legislative Voters' League. The objects of the league, as set forth in its by-laws, are the promotion of good government through the agency of the legislature: "(1) by assisting the public to form a correct judgment concerning the work and character of the members of the legislature; (2) by aiding in the nomination and election of desirable legislators, and in retaining their service as long as possible; (3) by furnishing the public and members of the legislature with exact information concerning the scope and purpose of proposed legislation." In furtherance of these objects, the league now issues a regular monthly publication called *The Assembly Bulletin*, devoted to "the discussion of all important legislative topics upon which public interest is centred." The league is sustained entirely by voluntary financial contributions. Some of its recent *Bulletins* have dealt with improvements in legislative organization and procedure, committee costs and legislative expense accounts, padded pay-rolls, legislative extravagance and budget reform, and codification of the election laws. At the close of each session a report is issued on the work of the session, and before each primary and general election reports are issued setting forth succinctly the qualifications and record of each candidate along with the league's recommendations.

The same sort of information respecting the qualifications and records of members of Congress and the

organization and proceedings of that body is now being furnished to the public by the National Voters' League, another non-partisan body supported by private contributions. The league was organized about 1913, and during its early existence issued occasional bulletins bearing upon the work of Congress. Recently it has begun the publication of a regular monthly bulletin, called *The Searchlight on Congress*, and an annual publication which presents a careful analysis of the chief acts of Congress and the records of members and gives other important information along with suggested reforms. All this information is "directed solely to improve the personnel of Congress and to reform its procedure." The league is prosecuting a most important educational work with "publicity as its sole weapon." [1]

(8) Publicity and proportional representation

(8) For the evil of the gerrymander, publicity seems just at present to be the most practicable remedy. If the non-partisan press and organizations working for clean politics would undertake a campaign of education while apportionment acts are pending in the various State Legislatures; if they would bring before the eyes of the voters maps of the districts, present and proposed, calling attention to obvious examples of gerrymander and significant majorities—in other words, if the great mass of intelligent, honest voters could once be made to understand how they are tricked—the legislators would be likely

[1] The National Voters' League maintains headquarters in Washington in charge of Mr. Lynn Haines, secretary of the league. The annual subscription price for *The Searchlight on Congress* is one dollar. For a fuller account of the organization and work of the league, see Lynn Haines, *Your Congress* (1915), ch. 6.

to hesitate long before indulging in this sort of partisan legislation.[1] So long, however, as representation in legislative bodies is based upon districts created by legislative act, with plurality elections, we shall probably not be wholly free from the evils of the gerrymander.

A much more radical remedy would be to do away entirely with district representation in legislative bodies, national, State, and municipal, and substitute a system of proportional representation whereby each political party or considerable group of voters would be represented in the lawmaking body in almost exact proportion to the number of votes cast for each party or group. This is the gist of the system of proportional representation which in one form or another has been adopted in Belgium, Denmark, South Africa, some of the Swiss cantons, Tasmania, and for the proposed Irish parliament. The National Voters' League in the United States is advocating proportional representation for the choice of representatives in Congress; but most of the agitation for proportional representation in this country is being directed toward its substitution for the pernicious ward system of choosing municipal councilmen. Thus far, however, only one city, Ashtabula, Ohio,[2] has adopted the system, although the plan has been formally proposed for discussion and adoption in St. Louis by the civic league of that city.[3] Propor-

[1] H. C. Griffin, in *Outlook*, XCVII, 193 (1911).

[2] Adopted in 1915 and first employed in November, 1915. Ashtabula has a population of about 20,000.

[3] See *A New System of City Elections for St. Louis.* (Pamphlet, 1915.) Rejected at the November election, 1916.

tional representation is a subject worthy of most careful study, for its adoption would not only eliminate the evils of the gerrymander, but seems calculated to render our legislative bodies a great deal more truly representative of the various shades of political opinion than even the best of them now are.[1]

(9) Anti-lobbying laws or regulations

(9) To curb the evils of lobbying and at the same time give a legal status to permissible lobbying, the legislatures of several States have adopted, within a few years, "anti-lobbying" laws or rules. The main features of these statutes or rules may be summarized as follows: All persons lobbying in the interest of individuals, private associations, or corporations are divided into two classes—legislative counsel and legislative agents. Those classed as legislative counsel include persons employed to appear at public hearings before committees for the purpose of making arguments or examining witnesses and those who act as legal advisers in relation to legislation. The second class includes all others who endeavor to promote or defeat legislation through personal appeals to legislators. Before acting in either capacity a lobbyist is required to file a written authorization to act, and also to enter in a register or docket open to public inspection his own name, address, occupation, date and length of employment, the name of his employer, and the subjects of legislation to which his employment relates. Within thirty days after the final adjournment of the legislature every person, corpora-

[1] The *Proportional Representation Review* (subscription price, twenty cents) is published quarterly by the American Proportional Representation League, of which Mr. C. G. Hoag, Haverford, Pa., is the general secretary-treasurer.

tion, or association employing legislative agents of either class is required to file a sworn statement of expenses with the secretary of state or other designated official. Municipalities and other public corporations are exempted from these provisions. Employment for compensation contingent upon success is not permitted. The Wisconsin law of 1905 specifically makes it unlawful for any legislative counsel or agent to attempt to influence any legislator personally and directly otherwise than by appearing before the regular committees, or by newspaper publications, or by public addresses, or by written or printed statements, arguments, or briefs delivered to each member of the legislature.[1]

(10) Direct legislation

(10) Of the numerous remedies for legislative evils now being considered, none is attracting so much attention as the system of direct legislation insured by the adoption of the initiative and referendum. Nearly one-half of the States have already adopted direct legislation in some form, while in others the subject is receiving serious consideration.[2] Although Oregon is the only State in which the initiative and referendum have been given an extended trial, the movement for their adoption is not confined to any particular section of the country, nor to States dominated by any one political party; in other words, it is neither sectional nor partisan.

. Briefly defined, the *initiative* is "a scheme whereby a small percentage of the voters may initiate a law

[1] Reinsch, 294; *The Nation*, LXXI, 206 (1900).

[2] For a list of States having the initiative and referendum, see the latest edition of the *American Year Book*.

Definition of initiative and referendum

and secure its adoption upon ratification by popular vote; and the *referendum* is the plan whereby a small percentage of the voters may require the reference of any act of the legislature to the electorate for approval or rejection." [1] "The referendum enables the people to *veto* undesired legislation. The initiative enables the people to *enact* desired legislation." [2]

The initiative and referendum are complementary

From this definition it will be seen that the initiative and referendum, as remedies for legislative evils, are complementary. Alone, the referendum affords a *check* upon legislative action but does not provide for *positive* action by the people. It is in effect a popular veto—a further course which bills must take before becoming laws. The referendum may stand alone; the initiative, on the other hand, cannot stand alone. To be effective, the initiative must be combined with the referendum, otherwise there would be no improvement upon the practice existing at the present time whereby bills privately drafted are introduced into a legislature "by request." With the initiative, the people have the power not only to originate a bill, but they have, what is far more important, the power to bring about its adoption through a referendum vote of the people. Together the initiative and referendum constitute what is called "direct legislation," because where they exist the people may themselves enact laws directly without the necessity of acting indirectly through representatives.[3]

[1] C. A. Beard, in Beard and Shultz's *Documents*, 20.

[2] W. E. Weyl, in *The New Democracy*, 306.

[3] J. B. Sanborn, in *Pol. Sci. Quar.*, XXIII, 587 (1908). See E. P. Oberholtzer, *The Referendum in America* (new edition, 1912), ch. 15. The initiative and referendum as applied to the amendment of State

Two purposes of direct legislation

At the outset it is important to distinguish two distinct purposes of the system of direct legislation. One class of advocates declare that the principal function of the initiative and referendum is "to educate the voters that they are part and parcel of the government to which they pay tax tribute; that the laws under which they live and move are the creatures of their volition, not of a higher power to which they are subordinate." Others, holding a different conception, insist that direct legislation is but another check upon representative government. "Its function under this view is to prevent misrepresentation; to make possible the passage of laws which the legislature has refused to enact, despite a public demand therefor, and to enable voters to place their composite veto on measures which have been written on the books in defiance of the popular will. The education of the electorate in governmental action is an *incident* of the use of the initiative and referendum, not their primary purpose; and the success of the initiative and referendum in any State is in inverse proportion to the number of initiated and referred measures. If few laws need to be initiated and referred, the legislature is representing the electorate; and the initiative and referendum are accomplishing their highest purpose if they inspire in legislators a wholesome respect for the power of public opinion." [1] It is with the latter function in mind that the initiative and referendum will be discussed in this chapter.

constitutions and for purposes of local legislation will not be considered in this chapter.

[1] W. A. Schnader, in *Am. Pol. Sci. Rev.*, X, 516 (1916).

Optional and obligatory referendum

A referendum may be either optional or obligatory. When the legislature desires to obtain an expression of popular sentiment upon a pending measure it may provide that the measure shall not go into effect until it has been ratified by the people at an election; or else it is left to different districts or counties to determine by popular vote whether the law shall apply to that district or county. This is called an optional referendum. Where the obligatory referendum exists, legal provision is made for suspending for a certain time—usually ninety days from their passage—all ordinary legislative enactments. During that period the people have an opportunity to scrutinize the work of their legislature. If a stated percentage of them agree that a certain act is undesirable, they can, by filing a petition, prevent that act from taking effect until it can be submitted to the people and ratified by a popular vote. Excepted from the operation of the obligatory referendum are certain acts designated as "emergency measures." [1] Unless otherwise indicated, it is always the obligatory referendum that is referred to in discussions of the initiative and referendum as remedies for legislative evils.

Procedure under the initiative

The *initiative* may be invoked when the legislature, for any reason, has failed to pass certain measures desired by the people or has neglected to pass laws for the public interest. In such a case a citizen, or a group of citizens, may, with or without the advice of lawyers, draw up a bill which in their judgment meets the situation satisfactorily. Having done this, the

[1] The obligatory referendum also applies to bills originating under the initiative process.

next step is to obtain the signatures of the necessary percentage of voters to a petition requesting the enactment of this bill into law. This petition having been filed with the proper authority, one of two courses is provided by initiative and referendum statutes. The bill may be presented to the legislature for its action either at the next regular session or at a special session. If the legislature enacts the bill thus submitted to it, it becomes a law without the necessity of a referendum, although voters who disapprove of the law may invoke a referendum after it passes the legislature by complying with the usual formalities. In most States the legislature is not permitted to amend bills submitted to it under the initiative. If the legislature refuses or neglects to pass the bill, it is automatically referred to the people and becomes a law if approved by the required vote. To this method the name "indirect initiative" is applied. The other course, called the "direct initiative," requires the submission of the bill to the people directly at the next election without preliminary submission to the legislature.[1]

The initiative and referendum are not limited in their application to State legislation. To municipal and other local legislation they have been extensively applied, and in the judgment of not a few they have achieved their greatest successes in this more restricted sphere. On the other hand, there are those, notably the Socialists, who believe the adoption of

[1] In States having the initiative and referendum the governor has no veto upon legislation enacted directly by the people. For variations in the application and scope of initiative and referendum statutes, see Beard and Shultz, *Documents*, 20–21.

the initiative and referendum in connection with national legislation would serve to remedy many of the evils connected with congressional lawmaking.[1]

Advantages of direct legislation: (1) The people may secure desired legislation

The principal claims made on behalf of the initiative and referendum may be briefly summarized. (1) The distinguishing merit of the *initiative* is seen in its definition. It affords a means by which the people may obtain desirable and needed legislation which the legislature for any reason has failed to enact.

(2) Lobbying and special legislation will be greatly diminished

(2) Under the referendum the worst forms of lobbying and the obtaining of special favors through legislation can be very largely eliminated and at the same time the character of our legislative bodies improved. Special favors through legislation are usually obtained as a result of the pressure exerted by the lobby, a pressure which is so concentrated upon a comparatively few members as to be irresistible. This concentrated pressure exists simply because, in the absence of the referendum, the decision of the legislature is final. This finality imparts a commercial value to these decisions. If the people could always demand a referendum, legislative acts, being no longer final, would soon lose their commercial value, and any pressure of special interests upon the public would necessarily be so widely diffused as to lose the crushing force it has when concentrated upon the legislature. As a result, the lobby would largely disappear and legislative bodies would once more become deliberative assemblies in which it would be a pleasure for men of intelligence and conscience to sit.[2] It

[1] See the Socialist platform of 1916 in chapter III.

[2] *Senate Documents*, 2d session, 55th Congress, XXVI, No. 340, p. 13.

should be further noted that "hold-up" or blackmailing bills would largely cease to trouble, since the corporations affected can appeal to the people with full assurance that public opinion will not approve legislation of that character.[1]

(3) Direct legislation an important means of educating public sentiment

(3) The initiative and referendum possess great educational value because they permit "one section of the people most interested in some law to propose that law, force a public discussion and consideration by every voter, not on the character and promises of some candidate for office, but on a definite and real measure."[2] It is the pronounced opinion of one thoroughly familiar with the operation of the initiative and referendum in Oregon, where the system has had the most complete trial, that, "on the whole, laws enacted by the people are more carefully prepared, more widely discussed, and more thoroughly considered than are the acts of a legislature."[3]

Oregon's "publicity pamphlet"

This result is largely attributed to the wise provisions in the Oregon law guaranteeing ample publicity for measures and providing for the education of the voters with respect to the merits and defects of proposed legislation. To illustrate, a bill privately initiated must be filed not less than four months before the day of election. Before this the measure secures publicity through the requirement that the substance of the bill must be printed on the petitions which are circulated for signature asking for the referendum of the measure. Education of the voters is provided for

[1] Jonathan Bourne, Jr., in *Atlantic Monthly*, CIX, 125 (1912).
[2] *New Encyclopedia of Social Reform.*
[3] Jonathan Bourne, Jr., *op. cit.*

by a publicity pamphlet prepared by the secretary of state and mailed to every voter at least fifty-five days before the election. This pamphlet contains full copies of the bills to be voted upon, the title and number of each as it will appear on the official ballot, together with arguments for and against each measure furnished by those who are sufficiently interested to be willing to pay the bare cost of paper and printing.[1] No such opportunity for the study of legislation, it is claimed, is afforded either to the members of the legislature or to the people of a State where the initiative and referendum do not exist.[2]

(4) Statutes would be made more intelligible

(4) As the people have to understand the laws thus referred to them, there is every incentive to make the laws simple, direct, and easily intelligible in their provisions. When it is known that a bill must be enacted or rejected exactly as drawn, "the framers of measures will spend weeks and months in studying the subject and writing the bill in order to have it free from unsatisfactory features," and expressed in language readily comprehended by citizens of average intelligence.[3]

(5) The voter's task would be simplified

(5) In at least one respect the initiative and referendum tend to simplify and clarify the voter's task. Under our present system of choosing representatives to make our laws, the character and personality of candidates and the necessity of party success are kept constantly before the voters. We are never

[1] G. H. Haynes, in *Pol. Sci. Quar.*, XXII, 484 (1907).

[2] Jonathan Bourne, Jr., *op. cit.* Publicity pamphlets are also issued in California, Nebraska, Ohio, Oklahoma, South Dakota, and Washington.

[3] *Ibid.*

quite certain what sort of legislation will be enacted by the men whom we send to the legislature or city council, or to Congress, for in comparatively few cases are candidates pledged to vote for a definite measure. Even when they are so pledged, there is no assurance that a good representative will remain good after he is elected and redeem his pre-election promises. Under the initiative and referendum, on the other hand, a definite measure is submitted to the voter for his approval or disapproval. He can decide whether he wishes this particular law or prefers some other law, without regard to the character and promises of candidates and the importance of party success.

Opponents of direct legislation

The essentially radical nature of the initiative and referendum as remedies for legislative evils has evoked very strong opposition to their introduction and has sharpened the vision of hostile critics. *Those who oppose the introduction of the initiative and referendum* may be grouped into the following six classes: Those who do not understand, or else misconceive, the nature and workings of the initiative and referendum as now employed in the United States; those who think that our principal legislative evils are due to indifference on the part of the voters in selecting State and municipal officers and the lack of minority representation in legislative bodies; those who think that direct legislation will interfere with the dignity and usefulness of the legislature, even if it does not go further and destroy our representative system of government with its checks and balances; those who distrust the people, and really believe that the people

are not fit to govern themselves, and those who dislike popular government of any kind; the ultra-conservatives, who by reason of temperament or interest object to radical changes of any kind—those who are satisfied with the institutions their fathers had, who regard it as disrespectful to presume to improve upon their methods; those whose personal schemes will be upset by the referendum—the predatory rich, who want franchises, special privileges, "jobs," grafts, etc., and who believe that it is easier to get these from a representative legislature than from the people, and of course the professional classes dependent upon this class.[1]

***Objections* to direct legislation: (1) It is unconstitutional**

The main *objections to or criticisms of the initiative and referendum* may be summarized as follows: (1) Direct legislation by the people is inconsistent with the continuance of a republican form of government, which, by the Federal Constitution, Congress is bound to guarantee to every State. This contention has been set at rest by a recent decision of the Supreme Court of the United States in a case arising in Oregon, which in effect established the constitutionality of the system prevailing in that State.[2]

(2) The system of checks and balances would be destroyed

(2) The continued existence of the American principle of separate and co-ordinate departments of government would be undermined by direct participation of the people in legislation. The veto of the executive would be rendered ineffective; the function of our supreme courts to pass on the constitutionality of

[1] Frank Parsons, in *Senate Documents*, 3d session, 55th Congress, XXVI, No. 340, p. 143; *New Encyclopedia of Social Reform.*

[2] Pacific States Telephone and Telegraph Co. *vs.* The State of Oregon, decided February, 1912.

statutes would be destroyed and the whole fabric of checks and balances would be distorted.[1]

The reply: Direct legislation only an *alternative* method

To this line of argument the reply is made that the initiative and referendum system as now in operation in the United States is everywhere an alternative system. No attempt is made to abolish lawmaking by the representative legislature, but only to supplement it and to provide a wholesome check thereon. Where the legislature stands ready to do the will of the people, recourse to direct legislation is unnecessary; should the legislature fail, however, to embody in the form of law principles demanded by the people, here is an institution through which the people themselves may perform that service.[2] Moreover, a study of the history of the initiative and referendum in those States where it has been in vogue shows that representative government is not destroyed. In most States the system has been invoked with relative infrequency. It remains in abeyance, to be used whenever any considerable portion of the voters think that the legislature has failed to do its duty. Even where resorted to most frequently, as in Oregon, the legislature has by no means been abolished or even set on the way to destruction.[3]

(3) The system of direct legislation tends to weaken or to shift the sense of legislative responsibility. With the referendum the legislator does not vote for or

[1] W. R. Peabody, in *Pol. Sci. Quar.*, XX, 493 (1905); S. W. McCall, in *Atlantic Monthly*, CVIII, 461 (1911).

[2] S. G. Lowrie, in *Am. Pol. Sci. Rev.*, V, 571 (1911).

[3] C. A. Beard, in Beard and Shultz's *Documents*, 23. Some of the more recent initiative and referendum laws provide for a preliminary testing of the constitutionality of popularly initiated measures.

(3) The sense of legislative responsibility is weakened or shifted

against a bill; he merely votes to give the people an opportunity to vote on it. He does not need to express his own opinion. He may say that his own views are immaterial; that, even if he is opposed to a bill, it would be unjust to refuse to allow the people a chance to express themselves. This feeling will affect his attitude toward all bills before the legislature, because to practically every bill the referendum may be applied. Furthermore, the *initiative* would tend to *shift responsibility*. If new legislation is needed it may be submitted by the initiative petition. If the legislators do not propose the measure needed they are not to be blamed: the failure of the people to use their initiative shows that they do not desire action upon the matter.[1]

The reply

It may be pointed out, in rebuttal, that these objections ignore the existence of political parties, legislative *esprit de corps*, and the personal pride of individual members. The members of the legislature will continue to be chosen as party candidates, and the party must go before the people mainly on its record or promises respecting legislation. Party necessity, legislative *esprit de corps*, and personal pride of individual members will furnish sufficient incentives to legislative activity and the assumption of due responsibility. It should also be remembered that the vast majority of laws will continue to be enacted by the legislature, for the initiative and referendum are invoked with comparative infrequency.

(4) The referendum may be used, it is claimed, not only against bad laws and those for the benefit of

[1] J. B. Sanborn, *op. cit.*, 602–603.

special interests, but also to suspend really desirable legislation until the next election, because it may happen to be opposed by some class in the State that succeeds in getting the necessary petition filed for a referendum.[1] Even so, it may be doubted whether the public would be any worse off than when legislatures adjourn without having enacted seriously needed laws. Under such circumstances the people are compelled to wait until the next session of the legislature, with no positive assurance that the necessary legislation will then be enacted.[2]

(4) Good as well as bad legislation may be defeated by the referendum

(5) It is predicted that laws originated under the initiative will lack the proper phraseology and technical form best adapted to accomplish their purpose, and that if there are a number of crudely drawn bills relating to the same subject it will be impossible to combine, eliminate, and amend them.

(5) Under popular initiative, statutes will lack proper technical form

On the other hand, it may be safely asserted that there is nothing inherent in the plan of initiating legislation by groups of private parties which precludes an expertness and proper formality in the drafting of measures at least equal to that commonly secured in the average State Legislature. It is, of course, conceivable that a group of ignoramuses might draft a legal monstrosity; but in view of the fact that private persons would not initiate bills unless they were deeply interested in the success of their particular measures, there is every reason to suppose that they will employ competent legal talent in drafting them.

The reply

[1] *Ibid.*, 593. An instance of this occurred a few years ago in South Dakota.

[2] C. A. Beard, in Beard and Shultz's *Documents*, 35.

"All that talent and enterprise which is now employed extra-legally in the drafting of bills for legislatures may be drawn upon in the drafting of bills for popular initiation. . . . The technical side of legislation may be handled in practice quite as well under popular initiation as under legislative initiation. . . ." [1]

The system in Maine

Furthermore, it is claimed to be quite possible for all the advantages of legislative criticism, discussion, and amendment to be combined with a system of direct legislation. Thus, for example, in Maine the legislature is permitted to submit along with the original bill a substitute or competing measure, the people being permitted to choose between them. Although this practice may tend to confusion and affords an opportunity for the insertion of amendments in the nature of "jokers," it gives the legislature an opportunity to point out and remedy any serious defects in the bill privately initiated. In another way the advantages of legislative consideration and revision may be secured: the initiative may be established as an *adjunct* to the legislature. Under such a system all bills are first introduced in the legislature. Every bill will be referred to an appropriate committee, and opportunity will be given supporters and opponents to argue its merits and defects. It will be subject to amendment as any other measure and to debate and criticism in accordance with legislative

[1] The Minnesota plan proposed in 1913 sought to prevent such delays by providing that no referendum petition should operate to suspend the execution of a law unless the petition was signed by fifteen per cent of the voters, whereas six per cent might bring about a referendum without suspension. See *American Year Book, 1913*, p. 76.

rules. If it is finally passed in a form satisfactory to the originators, no further action is necessary. In the event of its defeat or amendment in such a way as to render it distasteful to them, the filing of a petition signed by voters will bring the measure, with any amendments desired by the petitioners, directly before the people for final action. "In this way the legislature acts as a co-laborer rather than as a competitor of the people." It performs for the people the same functions that committees are supposed to perform for the legislature itself.[1]

(6) Voters are indifferent to referenda

(6) It is objected that the referendum does not arouse sufficient interest on the part of the voters, as shown by the fact that the vote on referenda is usually much smaller than the vote cast at the same election for candidates for public offices. This might not be a defect, it is conceded, if those who voted were the most intelligent. On this point, however, there are very few statistical studies, but, judging from the widely accepted belief that the great proportion of the stay-at-home voters belong to the more intelligent class, it is probably not always the best class who vote on referenda.[2] It is further objected that voters who do not understand a proposition submitted to them, instead of voting against it, as is sometimes claimed, will not vote upon it at all, and their mere abstention may result in verdicts that are far from safe and sane.[3]

[1] S. G. Lowrie, *op. cit.*

[2] J. B. Sanborn, *op. cit.*, 594. On this point, see the results of an investigation of stay-at-home voters in Columbus and Cincinnati, Ohio, in 1915, in *Nat. Mun. Rev.*, IV, 460 (1915).

[3] G. H. Haynes, in *Pol. Sci. Quar.*, XXVI, 49 (1911).

The reply

This objection loses much of its force, the advocates of direct legislation contend, when it is remembered that this indifference of the voters is frequently found in the referendum of constitutional amendments and even constitutions themselves, and the referendum of such matters is not attacked on that account. A light vote on statutes, as well as on constitutional amendments, may frequently be explained by the comparative unimportance of some subjects, or, in other instances, by the strong probability of their adoption on account of general acceptance.[1] Indeed, the smallness of a vote on referenda may indicate not a lack of interest but a high degree of intelligence on the part of the voters. It often shows that the voters are aware of the fact that they do not know enough about some particular or local matter to warrant their expressing an opinion one way or another. "What does a voter in a lumber camp in the Adirondacks know about the advisability of exempting certain bonds in New York City from the operation of the debt limit? Or what does the voter on West Seventy-second Street in New York City know about the desirability of increasing the number of judges in a judicial district in the western part of the State? It is evident, therefore, that in order to ascertain the significance of popular voting upon referenda every case must be examined on its merits. A general survey shows that for every instance of popular neglect another can be discovered of striking popular interest." [2] Not infrequently, as shown by the experience

[1] C. S. Lobinger, *op. cit.*

[2] C. A. Beard, in Beard and Schultz's *Documents*, 39.

of Illinois, the size of the total vote on a referred measure bears a direct relation to the amount of publicity it has received. "Whenever special efforts have been made to enlighten the public . . . the public has responded by giving such propositions a greater amount of consideration than others not so well advertised." [1]

(7) Many of the subjects of legislation, it is asserted, are so abstruse or technical that the mass of voters cannot be presumed to act upon them intelligently, because to do so would require a thorough knowledge of the subject concerning which legislation is proposed. The ordinary voter has no time, had he the inclination, for the careful study of measures which is essential to intelligent voting. He has not even time to meet the existing obligations imposed by our frequent elections and long ballot and to form an intelligent opinion of the merits of the candidates for all the different offices.

(7) The average voter incapable of dealing with legislation

In rebuttal, it is contended that this argument assumes that legislators give to legislative enactments that careful and thorough study which enables them to vote intelligently upon every measure. But this ideal is seldom, if ever, realized by any legislative body in this country. Any one the least familiar with actual methods of legislation is aware of the vast amount of unwise, crudely drawn, and ill-considered legislation enacted and of the blind voting of members. If the system of direct legislation provides, as does the Oregon system, a means of giving the voters reliable information concerning the provisions and

The reply

[1] C. O. Gardner, in *Am. Pol. Sci. Rev.*, V, 411 (1911).

merits of referenda, there is little reason why the average citizen could not act as intelligently upon legislation as the average legislator.[1]

(8) Direct legislation futile so long as public interest in legislation is lacking

(8) The referendum tends to place the emphasis at the wrong end of legislative work. If we elect good men to the legislature, the need of checks of this kind will largely pass away. The fact that legislators are sometimes named and controlled by bosses is not the result of any defect in our legislative system but of public indifference. If this public indifference continues, we cannot expect the initiative and referendum to succeed. When the public takes an interest in the work of the legislature, it will take an interest in the nomination and election of members. When this interest is manifested, the members will respond to the wishes of their constituents. Until this interest is taken, the initiative and referendum will be useless.[2]

The reply

To this the reply may be made that, where tried, the initiative and referendum have not proved useless but highly beneficial. The people have come to take a greater interest in legislative matters when they know that they are themselves responsible if bad legislation is permitted to stand. Moreover, it is not always a question of electing good men to office, but often a question of keeping them good after they are elected. It has been found impossible to do this in many cases when the people have had no check upon the legislature, because of the concentrated pressure brought to bear by special interests whenever the decision of the legislature is final.

[1] On the experience of Illinois with referenda of technical measures, see *ibid.*

[2] J. B. Sanborn, *op. cit.*

(9) Other criticisms of the initiative and referendum, briefly summarized, include the objection that the public may be put to the trouble and expense of voting upon measures which may not have behind them a demand sufficient to warrant their submission to the voters; that usually there is nothing to prevent the proponents of measures which have once been defeated from repeatedly getting up petitions for the resubmission of the rejected bills; that wherever the initiative and referendum are in force a "new trade of getting signatures" to petitions develops, to the great annoyance of citizens;[1] and that gross frauds have characterized the work of securing initiative and referendum petitions.

(9) Miscellaneous objections

The existence of such defects may be admitted, but it is claimed in rebuttal that they are merely defects in detail and not vital to the principle of direct legislation; they inevitably appeared in the early, experimental period, but with increased experience, various devices and safeguards have been found which seem well calculated to eliminate these defects.[2] Some States, for example, now require publicity in the matter of contributions to funds employed in financing campaigns under the initiative and referendum; others safeguard initiative and referendum petitions by placing them under the protection of corrupt practices acts; while the Ogden bill, before the Maryland legislature in 1914, proposed to recognize the representative character of elected members of the legislature in signing such petitions, so that the signature of a

[1] See B. J. Hendrick, in *McClure's*, XXXVII, 235 (1911).

[2] For a detailed discussion of these and other safeguards, see W. A. Schnader, in *Am. Pol. Sci. Rev.*, X, 515 (1916).

member would count for a certain numerical equivalent of the voters represented by that member.[1]

Conclusion: **the initiative and referendum the best remedies at present for legislative evils**

A careful study of their actual operation justifies the conclusion that the initiative and referendum, like the direct primary, have failed to justify all the dire predictions of their opponents or to realize all the optimistic expectations of their champions. As remedies for legislative evils, they are not perfect any more than the Australian ballot or the direct primary is perfect. They are, however, apparently the best expedients available at present. With them, as without them, we shall undoubtedly enact into law a vast amount of "sublimated nonsense." Even were the average quality of our laws to be somewhat lowered, which seems improbable, we might well accept that drawback because of the measure of insurance which the direct appeal to the people gives us against corrupt legislation, and because of the guarantee that with the initiative the people can have desirable legislation, bosses, machines, and misrepresentative legislatures to the contrary notwithstanding.[2]

QUESTIONS AND TOPICS

1. What attempts have been made in different States to give publicity to or otherwise to regulate the proceedings of legislative committees? Also to regulate lobbying?

2. What are the arguments for and against judicial determination of contested legislative election cases?

3. Outline the different schemes of proportional representation and cumulative voting that have been proposed. How has cumulative voting worked in Illinois? (See Commons, Moore.)

[1] See E. S. Potts, in *Rev. of Rev.*, LI, 212 (1915).

[2] W. E. Weyl, *The New Democracy*, 308.

4. The work and achievements (*a*) of the Massachusetts Civic League, (*b*) of the Chicago Legislative Voters' League, and (*c*) of the "people's lobby" in New York.

5. In how many and in what States have legislative reference libraries or similar institutions been established?

6. The initiative and referendum in Switzerland. (See Lowell, Rappard.)

7. The referendum in recent English politics.

8. The initiative and referendum in the American colonies.

9. The initiative and referendum in the different States before adoption in South Dakota in 1898.

10. What provisions appear in your own State constitution and city charter which reflect popular distrust of the legislature or city council?

11. Summarize the application and operation of the initiative and referendum in connection with local governments in the last decade.

12. Compare the different steps prescribed by law in the several States for invoking the initiative and referendum.

13. What are the respective merits of the initiative with and without preliminary reference of measures to the legislature? (Compare the California, Oregon, Washington, and proposed Wisconsin acts.)

14. What measures are classed in different States as "emergency measures" to which the referendum may not apply? Has any unfair advantage been taken of these "emergency clauses"? (See Lowell.)

15. The actual experience of the people of California, Illinois, and other States (except Oregon) with the initiative and referendum.

16. The actual experience of the people of Oregon with the initiative and referendum (*a*) before 1910 and (*b*) in 1910.

17. The opinion of the Supreme Court of the United States in Pacific States Telephone and Telegraph Co. *vs.* The State of Oregon, decided February, 1912.

18. What safeguards have been placed about the initiative and referendum petitions in different States? (See Schnader.)

19. What effect is the movement for the initiative and referendum likely to have upon the short ballot movement?

20. What, in your judgment, are likely to be the effects of

the wide adoption of the initiative, referendum, and recall upon our two-party system? (See Larned, Watkins.)

21. What attitude has been taken by State and Federal courts in cases brought to overturn a gerrymander? (See Reinsch for citations.)

22. What provisions are contained in the different State constitutions designed to restrict the practice of gerrymandering? (See F. N. Thorpe's compilation of State constitutions.)

23. The merits of the "local co-operating plan" as a check upon "pork-barrel legislation." (See Stokes.)

24. Legal questions arising under the initiative and referendum in Arkansas. (See Thomas.)

25. Should the supreme court of a State where the initiative and referendum exist be permitted to declare unconstitutional statutes which have received a favorable vote at the polls? Should the legislature be permitted to repeal or amend such acts?

26. Compare the different methods of insuring or testing the constitutionality of statutes proposed under the initiative.

27. The Washington system of initiative and referendum and its first trial. (See *American Year Book, 1912–1913,* Kettleborough, Shippee.)

28. How, if at all, can votes on referenda be made to reflect fairly the opinion of the majority of voters? (See Gardner.)

29. The operation of the system of proportional representation in Ashtabula, Ohio.

30. The plan of proportional representation proposed for St. Louis by the civic league, 1916.

31. The organization and work of the legislative reference service of the Library of Congress. (See Putnam.)

32. What success has attended the operation of "Public Opinion" laws; for example, in Illinois?

33. The proposed "Public Opinion" law in Indiana, 1915. (See *Am. Pol. Sci. Rev.*)

BIBLIOGRAPHY

American Political Science Review, IX, 312 (1915), "Lobbying Registration."

—— IX, 558 (1915), "Initiative and Referendum, Advisory Vote."

—— X, 335 (1916), "Mechanical Registration of Legislative Votes."

American Year Book, *1910*, pp. 152–155, "The Initiative and Referendum"; *1911*, pp. 180–183, "Direct Legislation"; *1913*, pp. 75–78, "Direct Legislation."

Bacon, E. M., and Wyman, M., *Direct Elections and Law-Making by Popular Vote* (1912).

Barnett, J. D., *The Operation of the Initiative and Referendum in Oregon* (1915).

Beard, C. A., *Readings in American Government and Politics*, ch. 25.

Beard, C. A., and Shultz, B. E. (editors), *Documents on the State-wide Initiative, Referendum and Recall* (1912). Contains the constitutions and statutes of all States concerned, preceded by an introductory essay by Professor Beard.

Black, J. W., "Maine's Experience with the Initiative and Referendum," in *Annals*, XLIII, 159 (1912).

Bliss, W. D. P. (editor), *New Encyclopedia of Social Reform*, article, "Direct Legislation."

Bonynge, H. W., "Political Innovations," in *Forum*, XLV, 645 (1911).

Bourne, Jonathan, Jr., "Popular Government in Oregon," in *Outlook*, XCVI, 321 (1910).

—— "Initiative, Referendum and Recall," in *Atlantic Monthly*, CIX, 122 (1912).

—— "Functions of the Initiative, Referendum and Recall," in *Annals*, XLIII, 3 (1912).

—— "Oregon's Struggle for Purity in Politics," in *Independent*, LXVIII, 1374 (1910).

Boyle, James, *The Initiative and Referendum: Its Folly, Fallacies, and Failures* (1912).

Boynton, W. E., "Proportional Representation in Ashtabula," in *Nat. Mun. Rev.*, VI, 87 (1917).

Brown, W. H., "The Popular Initiative as a Method of Leg-

islation and Political Control," in *Am. Jour. Soc.*, X, 713 (1905).

Bryce, James, *The American Commonwealth*, I, chs. 39, 45 (4th edition).

Butler, N. M., *Why Should We Change Our Form of Government?* (1912).

Campbell, H. M., "Representative Government *vs.* the Initiative and Primary Nominations," in *No. Am. Rev.*, CXC, 222 (1909).

Carey, C. H., "Limitations on the Use of the Initiative and Referendum," in *Case and Comment*, XXIII, 353 (1916).

Carter, C. F., "First Aid for Legislators," in *Rev. of Rev.*, XLIX, 587 (1914). On State and Federal legislative reference bureaus.

Cleland, Ethel, "Legislative Reference," in *Am. Pol. Sci. Rev.*, IV, 218 (1910).

—— "Legislative Reference," in *Am. Pol. Sci. Rev.*, X, 110 (1916).

Cleveland, F. A., *Organized Democracy* (1913), chs. 20–25, 27–29.

Coker, F. W., "Safeguarding the Petition in the Initiative and Referendum," in *Am. Pol. Sci. Rev.*, X, 540 (1916).

Commons, J. R., "Proportional Representation," in *Annals*, II, 730 (1892).

—— *Proportional Representation* (2d edition, 1907).

—— "One Way to Get Sane Legislation," in *Rev. of Rev.*, XXXII, 722 (1905). On legislative reference libraries.

Conners, Arthur, "The Initiative and Referendum in 1915," in *Am. Pol. Sci. Rev.*, X, 320 (1916).

Crosser, Robert, "The Initiative and Referendum Amendments in the Proposed Ohio Constitution," in *Annals*, XLIII, 191 (1912).

Cushman, R. E., "Voters' Leagues and Their Work," in *Nat. Mun. Rev.*, IV, 286 (1915).

—— "Recent Experience with the Initiative and Referendum," in *Am. Pol. Sci. Rev.*, X, 532 (1916).

Davenport, F. M., "The Use and Abuse of Direct Democracy," in *Outlook*, CX, 677 (1915).

De Cou, E. E., "Oregon: The Home of Direct Legislation," in *World To-Day*," XV, 857 (1908).

Dodd, W. F., "Some Considerations upon the State-wide

Initiative and Referendum," in *Annals*, XLIII, 203 (1912).

Dudgeon, M. S., "The Wisconsin Legislative Library," in *Yale Rev.*, XVI, 288 (1907–08).

Dunniway, R. R., "Direct Legislation Revolutionary," in *Case and Comment*, XVIII, 319 (1911).

Eaton, A. H., *The Oregon System* (1912).

Eggleston, W. G., "The People's Power in Oregon," in *World's Work*, XXII, 14353 (1911).

Fairlie, J. A., "The Referendum and Initiative in Michigan," in *Annals*, XLIII, 146 (1912).

Fisher, E. A., "Legislative Reference," in *Am. Pol. Sci. Rev.*, III, 223 (1909).

Ford, H. J., "Direct Legislation and the Recall," in *Annals*, XLIII, 65 (1912).

Foulke, W. D., "Proportional Representation and Municipal Reform," in Nat. Mun. League *Proceedings*, IV, 135 (1898).

Foxcroft, F., "Constitution-Mending and the Initiative," in *Atlantic Monthly*, XCVII, 792 (1906).

—— "The Initiative-Referendum in the United States," in *Contemporary Rev.*, XCIX, 11 (1911).

Fulton, C. W., "People as Legislators," in *No. Am. Rev.*, CLXXXV, 69 (1907).

Galbreath, C. B., "Provisions for the State-wide Initiative and Referendum," in *Annals*, XLIII, 81 (1912). Chronology of the movement.

Gardner, C. O., "The Working of the State-wide Referendum in Illinois," in *Am. Pol. Sci. Rev.*, V, 394 (1911).

—— "The Initiative and Referendum in Commission Cities," in *Annals*, XXXVIII, 823 (1911).

—— "Problems of Percentages in Direct Government," in *Am. Pol. Sci. Rev.*, X, 500 (1916).

Garner, J. W., "Primary vs. Representative Government," in Am. Pol. Sci. Assn. *Proceedings*, IV, 164 (1907).

Goodnow, F. J., *Municipal Government* (1909), pp. 150 ff. On the initiative and referendum in cities.

Guthrie, G. W., "The Initiative, Referendum and Recall," in *Annals*, XLIII, 171 (1912).

Hammitt, J. O., "First Lobby for the People," in *Independent*, LXII, 411 (1907).

Hammitt, J. O., "Watching Legislation for the People," in *Nat. Mun. Rev.*, IV, 360 (1914).

Hartwell, E. M., "The Vote on Boston's Referenda for One Hundred Years," in Nat. Mun. League *Proceedings*, XV, 334 (1909).

Hatton, A. R., "The Ashtabula Plan—the Latest in Municipal Organization," in *Nat. Mun. Rev.*, V, 56 (1916).

Haynes, G. H., "Massachusetts Public Opinion Bills," in Am. Pol. Sci. Assn. *Proceedings*, IV, 152 (1907).

—— "The Education of Voters," in *Pol. Sci. Quar.*, XXII, 484 (1907). On Oregon publicity system.

—— "'People's Rule' in Oregon, 1910," in *Pol. Sci. Quar.*, XXVI, 32 (1911).

—— "'People's Rule' in Municipal Affairs," in *Pol. Sci. Quar.*, XXVI, 432 (1911). On Portland, Oregon, election of June 5, 1911.

—— "'People's Rule' on Trial," in *Pol. Sci. Quar.*, XXVIII, 18 (1913). On the Oregon election, November 5, 1912.

Haynes, J. R., "The Actual Workings of the Initiative, Referendum and Recall," in *Nat. Mun. Rev.*, I, 586 (1912).

Hendrick, B. J., "The Initiative and Referendum and How Oregon Got Them," in *McClure's*, XXXVII, 235 (1911).

—— "Law-Making by the Voters," in *McClure's*, XXXVII, 435 (1911).

Hoag, C. G., "Proportional Representation, Preferential Voting and Direct Primaries," in *Nat. Mun. Rev.*, III, 49 (1914).

Holcombe, A. N., *State Government in the United States* (1916), ch. 13.

Honey, S. R., *The Referendum Among the English* (1911).

Horwill, H. W., "The Referendum in Great Britain," in *Pol. Sci. Quar.*, XXVI, 415 (1911).

Humphrey, J. H., *Proportional Representation* (1911).

—— "Proportional Representation," in *Nat. Mun. Rev.*, V, 369 (1916). A reply to Professor James below.

Illinois Legislative Voters' League, *The Assembly Bulletin*, issued monthly.

International Year Book, 1910, "Initiative and Referendum," pp. 37 ff.

James, H. G., "Proportional Representation: A Fundamental or a Fad," in *Nat. Mun. Rev.*, V, 266 (1916).

Jenks, J. W., "Proportional Representation and Municipal Reform," in Nat. Mun. League *Proceedings*, I, 129 (1895).

Johnson, L. J., *The Initiative and Referendum an Effective Ally of Representative Government.* (Pamphlet, 1913.)

Kennan, George, "Direct Rule of the People," in *No. Am. Rev.*, CXCVIII, 145 (1913).

Kettleborough, Charles, "Initiative and Referendum," in *Am. Pol. Sci. Rev.*, VIII, 251 (1914). On State legislation of 1913.

King, Hoyt, "The Reform Movement in Chicago," in *Annals*, XXV, 235 (1905). On work of Legislative Voters' League.

King, Judson, "New Dangers to Majority Rule," in *Senate Documents*, 2d session, 62d Congress, No. 897 (1912).

Larned, J. N., "A Criticism of Two-Party Politics," in *Atlantic Monthly*, CVII, 289 (1911).

Lee, Joseph, "A People's Lobbyist," in *Independent*, LXII, 1203 (1907).

Librarian of Congress, *Report*, *1914*, pp. 11–14; *1915*, pp. 8–17. On the legislative reference service of the Library of Congress.

Library of Congress, *A List of Books and Periodicals Relating to Proportional Representation* (1904).

—— *Select List of References on the Initiative, Referendum, and Recall* (1912).

Lobinger, C. S., "Objections to Direct Legislation Examined," in *Arena*, XXXIV, 234 (1905). Also quoted in Jones's *Readings*, 345 ff.

—— "Development of the System of Popular Legislation in the United States," in *Pol. Sci. Quar.*, XXIII, 577 (1908).

—— *People's Law: or, Popular Participation in Law-Making* (1909).

Lodge, H. C., "The Compulsory Initiative and Referendum and the Recall of Judges," in *Senate Documents*, 2d session, 62d Congress, No. 406 (1912).

Lowell, A. L., *Public Opinion and Popular Government* (1913), especially chs. 10–11, 13–15.

—— "Referendum in Operation in the United States," in *Quarterly Rev.*, CCXIV, 520 (1911).

Lowrie, S. G., "New Forms of the Initiative and Referen-

dum," in *Am. Pol. Sci. Rev.*, V, 566 (1911). The proposed Wisconsin plan.

—— "The Initiative and Referendum in California," in *ibid.*, 434 (1911).

—— "The Wisconsin Plan for the Initiative and Referendum," in *Annals*, XLIII, 179 (1912).

McCall, S. W., "Representative as Against Direct Government," in *Atlantic Monthly*, CVIII, 461 (1911).

McCarthy, C. H., "Remedies for Legislative Conditions," in Am. Pol. Sci. Assn. *Proceedings*, IV, 80 (1907).

McLaughlin and Hart, *Cyclopedia of American Government*, I, 609, "Drafting of Legislation"; II, 331, "Legislation, Direct"; 338, "Legislative Reference Bureau"; 341, "Legislatures and Legislative Reform"; III, 80, "Proportional Representation."

Moffett, S. E., "The Constitutional Referendum in California," in *Pol. Sci. Quar.*, XIII, 1 (1898).

Montague, R. W., "The Oregon System at Work," in *Nat. Mun. Rev.*, III, 256 (1914).

Moore, B. F., *History of Cumulative Voting and Minority Representation in Illinois*, in Univ. of Illinois *Studies*, 1909.

Munro, W. B. (editor), *The Initiative, Referendum, and Recall*, in National Municipal League Series (1912).

—— *Government of American Cities* (1916), ch. 13. On initiative and referendum.

Nation, The, LXXI, 206 (1900), "Regulation of the Lobby." Brief summary of the Massachusetts act of 1890.

—— XCVIII, 451 (1914), "Working of the Oregon System."

Oberholtzer, E. P., *The Referendum in America* (new edition, 1912, with supplement for 1900–11). Also deals with the initiative.

Outlook, The, C, 515* (1912) "Direct Legislation Not Unconstitutional." Brief summary of the decision of the United States Supreme Court in Pacific States Telephone and Telegraph Co. *vs.* Oregon.

—— "A New Aid in Popular Government." Brief account of the National Voters' League.

Paine, R. T., "The Initiative, Referendum and Recall in American Cities," in Nat. Mun. League *Proceedings*, XIV, 223 (1908).

Parsons, F. E., "Direct Legislation: An Article Relative to

Popular Government through the Initiative and Referendum," in *Senate Documents*, 2d session, 63d Congress, No. 360 (1914).

Parsons, Frank, *The City for the People* (1901), pp. 255–306. On the initiative and referendum.

Peabody, W. R., "Direct Legislation and Its Prospects in the United States," in *Pol. Sci. Quar.*, XX, 493 (1905). Summary of results for preceding ten years.

Phelps, E. M., *Selected Articles on the Initiative and Referendum* (1911).

Post, L. F., "The Initiative and Referendum," in Nat. Mun. League *Proceedings*, XII, 363 (1906).

Potter, E. S., "Reforming the Initiative and Referendum," in *Rev. of Rev.*, LI, 212 (1915).

Putnam, Herbert, "Legislative Reference for Congress," in *Am. Pol. Sci. Rev.*, IX, 542 (1915).

Quincy, Josiah, "Regulation of the Lobby in Massachusetts," in *Forum*, XII, 346 (1891–92).

Rammelkamp, C. H., "Contested Congressional Election Cases in the United States," in *Pol. Sci. Quar.*, XX, 421 (1905).

Rappard, W. E., "The Initiative and Referendum in Switzerland," in *Am. Pol. Sci. Rev.*, VI, 345 (1912).

—— "The Initiative, Referendum, and Recall in Switzerland," in *Annals*, XLIII, 110 (1912).

Reinsch, P. S., *American Legislatures and Legislative Methods* (1907).

—— "The Initiative and Referendum," in Acad. of Pol. Sci. *Proceedings*, III, 155 (1913).

Richberg, D. R., "Legislative Reference Bureaus for Political Parties," in *Am. Pol. Sci. Rev.*, VIII, supplement, 222 (1914).

Roosevelt, Theodore, "Nationalism and Popular Rule," in *Outlook*, XCVII, 96 (1911). On initiative and referendum.

Royal Commission, *Report of the Royal Commission Appointed to Enquire into Electoral Systems*, London, 1910. On proportional representation.

St. Louis Civic League, *A New System of City Elections for St. Louis*. (Pamphlet, 1916.)

Sanborn, J. B., "The Value of Popular Legislation in the United States," in *Pol. Sci. Quar.*, XXIII, 587 (1908).

Schafer, J., "Oregon as a Political Experiment Station," in *Rev. of Rev.*, XXXIV, 172 (1906).

Schaffner, Margaret A., "The Initiative, Referendum, and Recall," in *Am. Pol. Sci. Rev.*, I, 32 (1907).

—— *The Initiative and Referendum in State Legislation*, Wisconsin Legislative Reference *Bulletin* No. 11 (1907).

Schnader, W. A., "Proper Safeguards for the Initiative and Referendum Petition," in *Am. Pol. Sci. Rev.*, X, 515 (1916).

Senate Documents, 2d session, 55th Congress, XXVI, No. 340 (1898). An important collection of arguments for and against direct legislation.

Shippee, L. B., "Oregon's Initiative and Referendum Again," in *Atlantic Monthly*, CIX, 428 (1912).

—— "Washington's First Experiment in Direct Legislation," in *Pol. Sci. Quar.*, XXX, 235 (1915).

Stanwood, Edward, "Forms of Minority Representation," in *No. Am. Rev.*, CXIII, 1 (1871).

Stimson, F. J., "Certain Retrogressive Policies of the Progressive Party," in *Am. Pol. Rev.* supplement, VII, 149 (1913). On the initiative and referendum.

Stokes, A. P., Jr., "The 'Pork-Barrel' Problem—A Suggested Solution," in *Harper's Weekly*, LVII, March 22, 1913, p. 9.

Storey, Moorefield, "The American Legislature," in *Albany Law Journal*, L, 187 (1894). On remedies for lobbying.

Taylor, C. F. (editor), *Equity*. A quarterly review devoted to direct primary legislation, preferential voting, the short ballot, the initiative, referendum, and recall. (Philadelphia.)

—— "Municipal Initiative, Referendum and Recall in Practice," in *Nat. Mun. Rev.*, III, 693 (1914).

—— "Recent Experiences with the Initiative, Referendum and Recall," in Acad. Pol. Sci. *Proceedings*, V, 89 (1914).

Teal, J. N., "The Operation of the Initiative and Referendum in Oregon," in Nat. Mun. League *Proceedings*, XV, 309 (1909).

Thacher, G. A., "The Initiative and Referendum in Oregon," in Am. Pol. Sci. Assn. *Proceedings*, IV, 198 (1907).

Thacher, G. A., "The Initiative and Referendum in Oregon," in *Independent*, LXIV, 1142 (1908).

—— "An Interesting Election in Oregon," in *Independent*, LXIX, 1434 (1910).

Thomas, D. Y., "Direct Legislation in Arkansas," in *Pol. Sci. Quar.*, XXIX, 84 (1914).

Tyson, Robert, "Proportional Representation through the Single Transferable Vote," in *Digest of Short Ballot Charters*, 21301.

U'Ren, W. S., "Results of the Initiative and Referendum in Oregon," in Am. Pol. Sci. Assn. *Proceedings*, IV, 189 (1907).

Watkins, Albert, "Failure of the Two-Party System," in *Forum*, XXXI, 643 (1901).

Whitney, T. H., "The Need of Legislative Experts," in *Green Bag*, XVII, 78 (1905).

—— "A Lobbyist for the People," in *World's Work*, XV, 9599 (1907). On the New York "people's lobby."

Wilcox, D. F., *Government by All the People* (1912).

Williams, J. F., "Recent Developments of Proportional Representation," in *Pol. Sci. Quar.*, XXIX, 111 (1914).

World's Work, XXXII, 607 (1916), "One Way to End 'Pork.'"

APPENDIX

REPUBLICAN AND DEMOCRATIC PLATFORMS OF 1920

REPUBLICAN

The Republican party, assembled in representative national convention, reaffirms its unyielding devotion to the Constitution of the United States, and to the guarantees of civil, political and religious liberty therein contained. It will resist all attempts to overthrow the foundations of the government or to weaken the force of its controlling principles and ideals, whether these attempts be made in the form of international policy or domestic agitation.

For seven years the national government has been controlled by the Democratic party. During that period a war of unparalleled magnitude has shaken the foundations of civilization, decimated the population of Europe, and left in its train economic misery and suffering second only to the war itself.

The outstanding features of the Democratic administration have been complete unpreparedness for war and complete unpreparedness for peace.

DEMOCRATIC

The Democratic Party, in its National Convention now assembled, sends greetings to the President of the United States, Woodrow Wilson, and hails with patriotic pride the great achievements for country and the world, wrought by a Democratic Administration under his leadership.

It salutes the mighty people of this great republic, emerging with imperishable honor from the severe tests and grievous strains of the most tragic war in history, having earned the plaudits and the gratitude of all free nations.

It declares its adherence to the fundamental progressive principles of social, economic and industrial justice and advance, and purposes to resume the great work of translating these principles into effective laws, begun and carried far by the Democratic Administration and interrupted only when the war claimed all the national energies for the single task of victory.

UNPREPAREDNESS FOR WAR

Inexcusable failure to make timely preparations is the chief indictment against the Democratic administration in the con-

(Conduct of the War)

During the war President Wilson exhibited the very broadest conception of liberal American-

REPUBLICAN

duct of the war. Had not our Associates protected us, both on land and sea, during the first twelve months of our participation, and furnished us to the very day of the Armistice with munitions, planes and artillery, this failure would have been punished with disaster. It directly resulted in unnecessary losses to our gallant troops, in the imperilment of victory itself, and in an enormous waste of public funds literally poured into the breach created by gross neglect. Today it is reflected in our huge tax burden and in the high cost of living.

DEMOCRATIC

ism. In his conduct of the war, as in the general administration of his high office, there was no semblance of partisan bias. He invited to Washington as his councillors and coadjutors hundreds of the most prominent and pronounced Republicans in the country. To these he committed responsibilities of the gravest import and most confidential nature. Many of them had charge of vital activities of the Government.

And yet, with the war successfully prosecuted and gloriously ended, the Republican party in Congress, far from applauding the masterly leadership of the President and felicitating the country on the amazing achievements of the American Government, has meanly requited the considerate course of the chief magistrate by savagely defaming the Commander-in-Chief of the Army and Navy and by assailing nearly every public officer of every branch of the service intimately concerned in winning the war abroad and preserving the security of the Government at home.

(*See Army and Navy, below.*)

UNPREPAREDNESS FOR PEACE

Peace found the Administration as unprepared for peace as war found it unprepared for war. The vital needs of the country demanded the early and systematic return to a peacetime basis.

This called for vision, leader-

REPUBLICAN

ship and intelligent planning. All three have been lacking. While the country has been left to shift for itself, the Government has continued on a war-time basis. The Administration has not demobilized the army of place holders. It continued a method of financing which was indefensible during the period of reconstruction. It has used legislation passed to meet the emergency of war to continue its arbitrary and inquisitorial control over the life of the people in time of peace, and to carry confusion into industrial life. Under the despot's plea of necessity or superior wisdom, executive usurpation of legislative and judicial functions still undermines our institutions. Eighteen months after the Armistice, with its war-time powers unabridged, its war-time departments undischarged, its war-time army of place holders still mobilized, the Administration continues to flounder helplessly.

The demonstrated incapacity of the Democratic party has destroyed public confidence, weakened the authority of the government, and produced a feeling of distrust and hesitation so universal as to increase enormously the difficulties of readjustment and to delay the return to normal conditions.

Never has our nation been confronted with graver problems. The people are entitled to know in definite terms how the parties purpose solving these problems. To that end, the Republican

REPUBLICAN

party declares its policies and programme to be as follows:

CONSTITUTIONAL GOVERNMENT

We undertake to end executive autocracy and to restore to the people their constitutional government.

The policies herein declared will be carried out by the federal and state governments, each acting within its constitutional powers.

FOREIGN RELATIONS

The foreign policy of the Administration has been founded upon no principle and directed by no definite conception of our nation's rights and obligations. It has been humiliating to America and irritating to other nations, with the result that after a period of unexampled sacrifice, our motives are suspected, our moral influence impaired, and our Government stands discredited and friendless among the nations of the world.

We favor a liberal and generous foreign policy founded upon definite moral and political principles, characterized by a clear understanding of and a firm adherence to our own rights, and unfailing respect for the rights of others. We should afford full and adequate protection to the life, liberty, property and all international rights of every American citizen, and should require a proper respect for the American flag; but we should be equally

REPUBLICAN

careful to manifest a just regard for the rights of other nations. A scrupulous observance of our international engagements when lawfully assumed is essential to our own honor and self-respect, and the respect of other nations. Subject to a due regard for our international obligations, we should leave our country free to develop its civilization along lines most conducive to the happiness and welfare of its people, and to cast its influence on the side of justice and right should occasion require.

DEMOCRATIC

(*a*) MEXICO

The ineffective policy of the present Administration in Mexican matters has been largely responsible for the continued loss of American lives in that country and upon our border; for the enormous loss of American and foreign property; for the lowering of American standards of morality and social relations with Mexicans, and for the bringing of American ideals of justice, national honor and political integrity into contempt and ridicule in Mexico and throughout the world.

The policy of wordy, futile written protests against the acts of Mexican officials, explained the following day by the President himself as being meaningless and not intended to be considered seriously, or enforced, has but added in degree to that contempt, and has earned for us the sneers and jeers of Mexican ban-

The United States is the neighbor and friend of the nations of the three Americas. In a very special sense, our international relations in this hemisphere should be characterized by goodwill and free from any possible suspicion as to our national purpose.

The Administration, remembering always that Mexico is an independent nation and that permanent stability in her government and her institutions could come only from the consent of her own people to a government of their own making, has been unwilling either to profit by the misfortunes of the people of Mexico or to enfeeble their future by imposing from the outside a rule upon their temporarily distracted councils. As a consequence, order is gradually reappearing in Mexico; at no time in many years have American lives and inter-

REPUBLICAN

dits, and added insult upon insult against our national honor and dignity.

We should not recognize any Mexican government, unless it be a responsible government willing and able to give sufficient guarantees that the lives and property of American citizens are respected and protected; that wrongs will be promptly corrected and just compensation will be made for injury sustained. The Republican party pledges itself to a consistent, firm and effective policy towards Mexico that shall enforce respect for the American flag and that shall protect the rights of American citizens lawfully in Mexico to security of life and enjoyment of property, in accordance with established principles of international law and our treaty rights.

The Republican party is a sincere friend of the Mexican people. In its insistence upon the maintenance of order for the protection of American citizens within its borders a great service will be rendered the Mexican people themselves; for a continuation of present conditions means disaster to their interests and patriotic aspirations.

DEMOCRATIC

ests been so safe as they now are; peace reigns along the border and industry is resuming.

When the new Government of Mexico shall have given ample proof of its ability permanently to maintain law and order, signified its willingness to meet its international obligations and written upon its statute books just laws under which foreign investors shall have rights as well as duties, that Government should receive our recognition and systematic assistance. Until these proper expectations have been met, Mexico must realize the propriety of a policy that asserts the right of the United States to demand full protection for its citizens.

(*b*) MANDATE FOR ARMENIA

We condemn President Wilson for asking Congress to empower him to accept a mandate for Armenia. We commend the Republican Senate for refusing the President's request to empower him to accept the mandate for

(*Armenia*)

We express our deep and earnest sympathy for the unfortunate people of Armenia, and we believe that our government, consistent with its constitution and principles, should render

REPUBLICAN

Armenia. The acceptance of such mandate would throw the United States into the very maelstrom of European quarrels. According to the estimate of the Harbord Commission, organized by authority of President Wilson, we would be called upon to send 59,000 American boys to police Armenia and to expend $276,000,000 in the first year and $756,000,000 in five years. This estimate is made upon the basis that we would have only roving bands to fight; but in case of serious trouble with the Turks or with Russia, a force exceeding 200,000 would be necessary.

No more striking illustration can be found of President Wilson's disregard of the lives of American boys or of American interests.

We deeply sympathize with the people of Armenia and stand ready to help them in all proper ways, but the Republican party will oppose now and hereafter the acceptance of a mandate for any country in Europe or Asia.

DEMOCRATIC

every possible and proper aid to them in their efforts to establish and maintain a government of their own.

(*New Nations*)

The Democratic party expresses its active sympathy with the people of China, Czechoslovakia, Finland, Jugo-Slava, Poland, Persia and others who have recently established representative government, and who are striving to develop the institutions of true democracy.

(*c*) LEAGUE OF NATIONS

The Republican party stands for agreement among the nations to preserve the peace of the world. We believe that such an international association must be based upon international justice, and must provide methods which shall maintain the rule of public right by the development of law and the decision of impartial courts, and which shall secure instant and general international

The Democratic Party favors The League of Nations as the surest, if not the only, practicable means of maintaining the peace of the world and terminating the insufferable burden of great military and naval establishments. It was for this that America broke away from traditional isolation and spent her blood and treasure to crush a colossal scheme of conquest. It

REPUBLICAN

conference whenever peace shall be threatened by political action, so that the nations pledged to do and insist upon what is just and fair may exercise their influence and power for the prevention of war.

We believe that all this can be done without the compromise of national independence, without depriving the people of the United States in advance of the right to determine for themselves what is just and fair when the occasion arises, and without involving them as participants and not as peace-makers in a multitude of quarrels, the merits of which they are unable to judge.

The covenant signed by the President at Paris failed signally to accomplish this great purpose, and contains stipulations, not only intolerable for an independent people, but certain to produce the injustice, hostility, and controversy among nations which it proposed to prevent.

That covenant repudiated, to a degree wholly unnecessary and unjustifiable, the time-honored policies in favor of peace declared by Washington, Jefferson, and Monroe, and pursued by all American administrations for more than a century, and it ignored the universal sentiment of America for generations past in favor of international law and arbitration, and it rested the hope of the future upon mere expediency and negotiation.

The unfortunate insistence of the President upon having his own way, without any change

DEMOCRATIC

was upon this basis that the President of the United States, in pre-arrangement with our Allies, consented to a suspension of hostilities against the Imperial German Government; the armistice was granted and a treaty of peace negotiated upon the definite assurance to Germany, as well as to the powers pitted against Germany, that "a general association of nations must be formed, under specific covenant, for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small states alike." Hence, we not only congratulate the President on the vision manifested and the vigor exhibited in the prosecution of the war, but we felicitate him and his associates on the exceptional achievement at Paris involved in the adoption of a League and Treaty so near akin to previously expressed American ideals and so intimately related to the aspirations of civilized peoples everywhere.

We commend the President for his courage and his high conception of good faith in steadfastly standing for the covenant agreed to by all the associated and allied nations at war with Germany, and we condemn the Republican Senate for its refusal to ratify the Treaty merely because it was the product of Democratic statesmanship, thus interposing partisan envy and personal hatred in the way of the peace and renewed prosperity of the world.

By every accepted standard of international morality the Presi-

REPUBLICAN

and without any regard to the opinions of a majority of the Senate, which shares with him in the treaty-making power, and the President's demand that the Treaty should be ratified without any modification, created a situation in which Senators were required to vote upon their consciences and their oaths according to their judgment against the Treaty as it was presented, or submit to the commands of a dictator in a matter where the authority and the responsibility under the Constitution were theirs, and not his.

The Senators performed their duty faithfully. We approve their conduct and honor their courage and fidelity. And we pledge the coming Republican administration to such agreements with the other nations of the world as shall meet the full duty of America to civilization and humanity, in accordance with American ideals, and without surrendering the right of the American people to exercise its judgment and its power in favor of justice and peace.

DEMOCRATIC

dent is justified in asserting that the honor of the country is involved in this business; and we point to the accusing fact that, before it was determined to initiate political antagonism to the Treaty, the now Republican Chairman of the Senate Foreign Relations Committee himself publicly proclaimed that any proposition for a separate peace with Germany, such as he and his party associates thereafter reported to the Senate, would make us "guilty of the blackest crime."

On May 15 last, the Knox substitute for the Versailles Treaty was passed by the Republican Senate; and this Convention can contrive no more fitting characterization of its obloquy than that made in the *Forum* magazine of June, 1918, by Henry Cabot Lodge, when he said:

"If we send our armies and young men abroad to be killed and wounded in northern France and Flanders with no result but this, our entrance into war with such an intention was a crime which nothing can justify. The intent of Congress and the intent of the President was that there could be no peace until we could create a situation where no such war as this could recur. We cannot make peace except in company with our allies. It would brand us with everlasting dishonor and bring ruin to us also if we undertook to make a separate peace."

Thus, to that which Mr. Lodge, in saner moments, consid-

DEMOCRATIC

ered "the blackest crime" he and his party in madness sought to give the sanctity of law; that which eighteen months ago was of "everlasting dishonor" the Republican party and its candidates to-day accept as the essence of faith.

We indorse the President's view of our international obligations and his firm stand against reservations designed to cut to pieces the vital provisions of the Versailles Treaty and we commend the Democrats in Congress for voting against resolutions for separate peace which would disgrace the nation. We advocate the immediate ratification of the treaty without reservations which would impair its essential integrity; but do not oppose the acceptance of any reservations making clearer or more specific the obligations of the United States to the League Associates. Only by doing this may we retrieve the reputation of this nation among the powers of the earth and recover the moral leadership which President Wilson won and which Republican politicians at Washington sacrificed. Only by doing this may we hope to aid effectively in the restoration of order throughout the world and to take the place which we should assume in the front rank of spiritual, commercial and industrial advancement.

We reject as utterly vain, if not vicious, the Republican assumption that ratification of the Treaty and membership in the League of Nations would in any

REPUBLICAN

DEMOCRATIC

wise impair the integrity or independence of our country. The fact that the Covenant has been entered into by twenty-nine nations, all as jealous of their independence as we are of ours, is a sufficient refutation of such charge. The President repeatedly has declared, and this Convention reaffirms, that all our duties and obligations as a member of the League must be fulfilled in strict conformity with the Constitution of the United States, embodied in which is the fundamental requirement of declaratory action by the Congress before this nation may become a participant in any war.

CONGRESS AND RECONSTRUCTION

Despite the unconstitutional and dictatorial course of the President and the partisan obstruction of the Democratic Congressional minority, the Republican majority has enacted a programme of constructive legislation which in great part, however, has been nullified by the vindictive vetoes of the President.

The Republican Congress has met the problems presented by the Administration's unpreparedness for peace. It has repealed the greater part of the vexatious war legislation. It has enacted a Transportation Act making possible the rehabilitation of the railroad systems of the country, the operation of which under the present Democratic Administration has been wasteful, extrava-

(Republican Corruption)

The shocking disclosure of the lavish use of money by aspirants for the Republican nomination for the highest office in the gift of the people has created a painful impression throughout the country. Viewed in connection with the recent conviction of a Republican Senator from the State of Michigan for the criminal transgression of the law limiting expenditures on behalf of a candidate for the United States Senate, it indicates the re-entry, under Republican auspices, of money as an influential factor in elections, thus nullifying the letter and flaunting the spirit of numerous laws, enacted by the people, to protect the ballot from the contamination of corrupt practices. We deplore these delinquencies

REPUBLICAN

gant and inefficient in the highest degree. The Transportation Act made provision for the peaceful settlement of wage disputes, partially nullified, however, by the President's delay in appointing the Wage Board created by the act. This delay precipitated the outlaw railroad strike.

We stopped the flood of public treasure, recklessly poured into the lap of an inept Shipping Board, and laid the foundations for the creation of a great merchant marine; we took from the incompetent Democratic Administration the administration of the telegraph and telephone lines of the country and returned them to private ownership; we reduced the cost of postage and increased the pay of the postal employees—the poorest paid of all public servants; we provided pensions for superannuated and retired civil servants; and for an increase in pay of soldiers and sailors. We reorganized the Army on a peace footing, and provided for the maintanance of a powerful and efficient Navy.

The Republican Congress established by law a permanent Woman's Bureau in the Department of Labor; we submitted to the country the constitutional amendment for woman suffrage, and furnished twenty-nine of the thirty-five legislatures which have ratified it to date.

Legislation for the relief of the consumers of print paper, for the extension of the powers of the government under the Food Control Act, for broadening the scope

DEMOCRATIC

and invoke their stern popular rebuke, pledging our earnest efforts to a strengthening of the present statutes against corrupt practices, and their rigorous enforcement.

We remind the people that it was only by the return of a Republican Senator in Michigan, who is now under conviction and sentence for the criminal misuse of money in his election, that the present organization of the Senate with a Republican majority was made possible.

REPUBLICAN

of the War Risk Insurance Act, better provision for the dwindling number of aged veterans of the Civil War and for the better support of the maimed and injured of the Great War, and for making practical the Vocational Rehabilitation Act, has been enacted by the Republican Congress.

We passed an oil leasing and water power bill to unlock for the public good the great pent-up resources of the country; we have sought to check the profligacy of the Administration, to realize upon the assets of the government and to husband the revenues derived from taxation. The Republicans in Congress have been responsible for cuts in the estimates for government expenditure of nearly $3,000,000,000, since the signing of the Armistice.

We enacted a national executive budget law; we strengthened the Federal Reserve Act to permit banks to lend needed assistance to farmers; we authorized financial incorporations to develop export trade; and, finally, amended the rules of the Senate and House, which will reform evils in procedure and guarantee more efficient and responsible government.

DEMOCRATIC

(*Senate Rules*)

We favor such alteration of the rules of procedure of the Senate of the United States as will permit the prompt transaction of the nation's legislative business.

AGRICULTURE

The farmer is the backbone of the nation. National greatness and economic independence demand a population distributed between industry and the farm, and sharing on equal terms the

(*Agricultural Interests*)

To the great agricultural interests of the country the Democratic party does not find it necessary to make promises. It already is rich in its record of

REPUBLICAN

prosperity which is wholly dependent upon the efforts of both, Neither can prosper at the expense of the other without inviting joint disaster.

The crux of the present agricultural condition lies in prices, labor and credit.

The Republican party believes that this condition can be improved by: practical and adequate farm representation in the appointment of governmental officials and commissions; the right to form co-operative associations for marketing their products, and protection against discrimination; the scientific study of agricultural prices and farm production costs, at home and abroad, with a view to reducing the frequency of abnormal fluctuations; the uncensored publication of such reports; the authorization of associations for the extension of personal credit; a national inquiry on the co-ordination of rail, water and motor transportation with adequate facilities for receiving, handling and marketing food; the encouragement of our export trade; an end to unnecessary price-fixing and ill-considered efforts arbitrarily to reduce prices of farm products which invariably result to the disadvantage both of producer and consumer; and the encouragement of the production and importation of fertilizing material and of its extensive use.

The Federal Farm Loan Act should be so administered as to facilitate the acquisition of farm land by those desiring to become

DEMOCRATIC

things actually accomplished. For nearly half a century of Republican rule not a sentence was written into the Federal Statutes affording one dollar of bank credits to the farming interest of America. In the first term of this Democratic administration the National Bank Act was so altered as to authorize loans of five years' maturity on improved farm lands. Later was established a system of farm loan banks, from which the borrowings already exceed $300,000,000 and under which the interest rate to farmers has been so materially reduced as to drive out of business the farm loan sharks who formerly subsisted by extortion upon the great agricultural interests of the country.

Thus it was a Democratic Congress in the administration of a Democratic President which enabled the farmers of America for the first time to obtain credit upon reasonable terms and insured their opportunity for the future development of the nation's agricultural resources. Tied up in Supreme Court proceedings, in a suit by hostile interests, the Federal Farm Loan system, originally opposed by the Republican candidate for the Presidency, appealed in vain to a Republican Congress for adequate financial assistance to tide over the interim between the beginning and the ending of the current year, awaiting a final decision of the highest court on the validity of the contested act. We pledge prompt and consistent support

REPUBLICAN

owners and proprietors and thus minimize the evils of farm tenantry, and to furnish such long time credits as farmers may need to finance adequately their larger and long time production operations.

DEMOCRATIC

of sound and effective measures to sustain, amplify and perfect the Rural Credits Statutes, and thus to check and reduce the growth and course of farm tenancy.

Not only did the Democratic party put into effect a great Farm Loan system of land mortgage banks, but it passed the Smith-Lever Agricultural Extension Act, carrying to every farmer in every section of the country, through the medium of trained experts and by demonstration farms, the practical knowledge acquired by the Federal Agricultural Department in all things relating to agriculture, horticulture and animal life; it established the Bureau of Markets, the Bureau of Farm Management, and passed the Cotton Futures Act, the Grain Grades bill, the Co-operative Farm Administration Act, and the Federal Warehouse Act.

The Democratic party has vastly improved the rural mail system and has built up the parcel post system to such an extent as to render its activities and its practical service indispensable to the farming community. It was this wise encouragement and this effective concern of the Democratic party for the farmers of the United States that enabled this great interest to render such essential service in feeding the armies of America and the allied nations of the war and succoring starving populations since Armistice Day.

Meanwhile the Republican

DEMOCRATIC

leaders at Washington have failed utterly to propose one single measure to make rural life more tolerable. They have signalized their fifteen months of Congressional power by urging schemes which would strip the farms of labor; by assailing the principles of the Farm Loan system and seeking to impair its efficiency; by covertly attempting to destroy the great nitrogen plant at Muscle Shoals upon which the government has expended $70,000,000 to supply American farmers with fertilizers at reasonable cost; by ruthlessly crippling nearly every branch of agricultural endeavor, literally cramping the productive mediums through which the people must be fed.

We favor such legislation as will confirm to the primary producers of the nation the right of collective bargaining and the right of co-operative handling and marketing of the products of the workshop and the farm and such legislation as will facilitate the exportation of our farm products.

We favor comprehensive studies of farm production costs and the uncensored publication of facts found in such studies.

(*Live Stock Markets*)

For the purpose of insuring just and fair treatment in the great inter-state live stock market, and thus instilling confidence in growers through which production will be stimulated and the price of meats to consumers

REPUBLICAN

DEMOCRATIC

be ultimately reduced, we favor the enactment of legislation for the supervision of such markets by the national Government.

INDUSTRIAL RELATIONS

There are two different conceptions of the relations of capital and labor. The one is contractual and emphasizes the diversity of interests of employer and employee. The other is that of co-partnership in a common task.

We recognize the justice of collective bargaining as a means of promoting good-will, establishing closer and more harmonious relations between employers and employees, and realizing the true ends of industrial justice.

The strike or the lockout, as a means of settling industrial disputes, inflicts such loss and suffering on the community as to justify government initiative to reduce its frequency and limit its consequences.

We deny the right to strike against the Government; but the rights and interests of all government employees must be safeguarded by impartial laws and tribunals.

In public utilities we favor the establishment of an impartial tribunal to make an investigation of the facts and to render a decision to the end that there may be no organized interruption of service necessary to the lives, health and welfare of the people. The decisions of the tribunals should be morally but not legally

(*Labor and Industry*)

The Democratic party is now, as ever, the firm friend of honest labor and the promoter of progressive industry. It established the Department of Labor at Washington and a Democratic President called to his official council board the first practical workingman who ever held a cabinet portfolio. Under this Administration have been established employment bureaus to bring the man and the job together; have been peaceably determined many bitter disputes between capital and labor; were passed the child-labor act, the workingman's compensation act (the extension of which we advocate so as to include laborers engaged in loading and unloading ships and in interstate commerce), the eight-hour law, the act for vocational training and a code of other wholesome laws affecting the liberties and bettering the conditions of the laboring classes. In the Department of Labor the Democratic Administration established a Woman's Bureau, which a Republican Congress destroyed by withholding appropriations.

Labor is not a commodity; it is human. Those who labor have rights and the national security and safety depend upon a just

REPUBLICAN

binding, and an informed public sentiment be relied on to secure their acceptance. The tribunals, however, should refuse to accept jurisdiction except for the purpose of investigation, as long as the public service be interrupted. For public utilities we favor the type of tribunal provided for in the Transportation Act of 1920.

In private industries we do not advocate the principle of compulsory arbitration, but we favor impartial commissions and better facilities for voluntary mediation, conciliation and arbitration, supplemented by that full publicity which will enlist the influence of an aroused public opinion. The Government should take the initiative in inviting the establishment of tribunals or commissions for the purpose of voluntary arbitration and of investigation of disputed issues.

We demand the exclusion from interstate commerce of the products of convict labor.

DEMOCRATIC

recognition of those rights and the conservation of the strength of the workers and their families in the interest of sound-hearted and sound-headed men, women and children. Laws regulating hours of labor and condition under which labor is performed, when passed in recognition of the conditions under which life must be lived to attain the highest development and happiness, are just assertions of the national interest in the welfare of the people.

At the same time, the nation depends upon the products of labor; a cessation of production means a loss and, if long continued, disaster. The whole people, therefore, have a right to insist that justice shall be done to those who work, and in turn that those whose labor creates the necessities upon which the life of the nation depends must recognize the reciprocal obligation between the worker and the State. They should participate in the formulation of sound laws and regulations governing the conditions under which labor is performed, recognize and obey the laws so formulated and seek their amendment when necessary by the processes ordinarily addressed to the laws and regulations affecting the other relations of life.

Labor, as well as capital, is entitled to adequate compensation. Each has the indefeasible right of organization, of collective bargaining and of speaking through representatives of their own se-

REPUBLICAN

DEMOCRATIC

lection. Neither class, however, should at any time nor in any circumstances take action that will put in jeopardy the public welfare. Resort to strikes and lockouts which endanger the health or lives of the people is an unsatisfactory device for determining disputes, and the Democratic party pledges itself to contrive, if possible, and put into effective operation a fair and comprehensive method of composing differences of this nature.

In private industrial disputes we are opposed to compulsory arbitration as a method plausible in theory but a failure in fact. With respect to government service, we hold distinctly that the rights of the people are paramount to the right to strike. However, we profess scrupulous regard for the conditions of public employment and pledge the Democratic party to instant inquiry into the pay of government employees and equally speedy regulations designed to bring salaries to a just and proper level.

NATIONAL ECONOMY

A Republican Congress reduced the estimates submitted by the Administration almost three billion dollars. Greater economy could have been effected had it not been for the stubborn refusal of the Administration to co-operate with Congress in an economy programme. The universal demand for an executive budget is a recognition of the

(*Public Economy*)

Claiming to have effected great economies in government expenditures, the Republican party cannot show the reduction of one dollar in taxation as a corollary of this false pretense. In contrast, the last Democratic Congress enacted legislation reducing the taxes from $8,000,000,000, designed to be raised, to $6,000,-

REPUBLICAN

incontrovertible fact that leadership and sincere assistance on the part of the executive departments are essential to effective economy and constructive retrenchment.

The Overman Act invested the President of the United States with all the authority and power necessary to restore the Federal Government to a normal peace basis and to reorganize, retrench and demobilize. The dominant fact is that eighteen months after the Armistice, the United States Government is still on a war-time basis, and the expenditure programme of the Executive reflects war-time extravagance rather than rigid peace-time economy.

As an example of the failure to retrench which has characterized the post-war policy of the Administration, we cite the fact that not including the War and Navy Departments, the executive departments and other establishments at Washington actually record an increase subsequent to the Armistice of 2,184 employees. The net decrease in pay-roll costs contained in the 1921 demands submitted by the Administration is only one per cent under that of 1920. The annual expenses of the Federal Government can be reduced hundreds of millions of dollars without impairing the efficiency of the public service.

We pledge ourselves to a carefully planned readjustment to a peace-time basis and to a policy of rigid economy, to the better co-ordination of departmental activities, to the elimination of

DEMOCRATIC

000,000 for the first year after the armistice, and to $4,000,000,000 thereafter; and there the total is left undiminished by our political adversaries. Two years after Armistice Day a Republican Congress provides for expending the stupendous sum of $5,403,390,327.30.

Affecting great paper economies by reducing departmental estimates of sums which would not have been spent in any event, and by reducing formal appropriations, the Republican statement of expenditures omits the pregnant fact that the Congress authorized the use of one and a half billion dollars in the hands of various departments and bureaus, which otherwise would have been covered into the Treasury, and which should be added to the Republican total of expenditures.

REPUBLICAN

unnecessary officials and employees, and to the raising of the standard of individual efficiency.

THE EXECUTIVE BUDGET

We congratulate the Republican Congress on the enactment of a law providing for the establishment of an Executive Budget as a necessary instrument for a sound and businesslike administration of the national finances; and we condemn the veto of the President which defeated this great financial reform.

DEMOCRATIC

(*Budget*)

In the interest of economy and good administration, we favor the creation of an effective budget system that will function in accord with the principles of the Constitution. The reform should reach both the executive and legislative aspects of the question. The supervision and preparation of the budget should be vested in the Secretary of the Treasury as the representative of the President.

The budget, as such, should not be increased by the Congress except by a two-thirds vote, each House, however, being free to exercise its constitutional privilege of making appropriations through independent bills. The appropriation bills should be considered by single Committees of the House and Senate. The audit system should be consolidated and its powers expanded so as to pass upon the wisdom of, as well as the authority for, expenditures.

A budget bill was passed in the closing days of the second session of the Sixty-sixth Congress which, invalidated by plain constitutional defects and defaced by considerations of patronage, the President was obliged to veto. The House amended the bill to meet the Executive objection. We condemn the Re-

REPUBLICAN

DEMOCRATIC

publican Senate for adjourning without passing the amended measure, when by devoting an hour or two more to this urgent public business a budget system could have been provided.

REORGANIZATION OF FEDERAL DEPARTMENTS AND BUREAUS

We advocate a thorough investigation of the present organization of the Federal departments and bureaus, with a view to securing consolidation, a more businesslike distribution of functions, the elimination of duplication, delays and overlapping of work, and the establishment of an up-to-date and efficient administrative organization.

WAR POWERS OF THE PRESIDENT

The President clings tenaciously to his autocratic war-time powers. His veto of the Resolution declaring peace and his refusal to sign the bill repealing war-time legislation, no longer necessary, evidence his determination not to restore to the Nation and to the States the form of government provided for by the Constitution. This usurpation is intolerable and deserves the severest condemnation.

TAXATION

The burden of taxation imposed upon the American people is staggering; but in presenting a true statement of the situation we must face the fact that, while

(*Tax Revision*)

We condemn the failure of the present Congress to respond to the oft-repeated demand of the President and the Secretaries of

REPUBLICAN

the character of the taxes can and should be changed, an early reduction of the amount of revenue to be raised is not to be expected. The next Republican Administration will inherit from its democratic predecessor a floating indebtedness of over three billion dollars, the prompt liquidation of which is demanded by sound financial considerations. Moreover, the whole fiscal policy of the Government must be deeply influenced by the necessity of meeting obligations in excess of five billion dollars which mature in 1923. But sound policy equally demands the early accomplishment of that real reduction of the tax burden which may be achieved by substituting simple for complex tax laws and procedure; prompt and certain determination of the tax liability for delay and uncertainty; tax laws which do not, for tax laws which do, excessively mulct the consumer or needlessly repress enterprise and thrift.

We advocate the issuance of a simplified form of income return; authorizing the Treasury Department to make changes in regulations effective only from the date of their approval; empowering the Commissioner of Internal Revenue, with the consent of the taxpayer, to make final and conclusive settlements of tax claims and assessments barring fraud, and the creation of a Tax Board consisting of at least three representatives of the tax-paying public and the heads of the principal divisions of the Bureau of Inter-

DEMOCRATIC

the Treasury to revise the existing tax laws. The continuance in force in peace times of taxes devised under pressure of imperative necessity to produce a revenue for war purposes is indefensible and can only result in lasting injury to the people. The Republican Congress persistently failed, through sheer political cowardice, to make a single move toward a readjustment of tax laws which it denounced before the last election and was afraid to revise before the next election.

We advocate tax reform and a searching revision of the War Revenue Acts to fit peace conditions so that the wealth of the nation may not be withdrawn from productive enterprise and diverted to wasteful or non-productive expenditure.

We demand prompt action by the next Congress for a complete survey of existing taxes and their modification and simplification with a view to secure greater equity and justice in tax burden and improvement in administration.

REPUBLICAN

nal Revenue to act as a standing committee on the simplification of forms, procedure and law, and to make recommendations to the Congress.

DEMOCRATIC

BANKING AND CURRENCY

The fact is that the war, to a great extent, was financed by a policy of inflation through certificate borrowing from the banks, and bonds issued at artificial rates sustained by the low discount rates established by the Federal Reserve Board. The continuance of this policy since the Armistice lays the Administration open to severe criticism. Almost up to the present time, the practices of the Federal Reserve Board as to credit control have been frankly dominated by the convenience of the Treasury.

The results have been a greatly increased war cost, a serious loss to the millions of people, who in good faith bought Liberty Bonds and Victory Notes at par, and extensive post-war speculation, followed to-day by a restricted credit for legitimate industrial expansion. As a matter of public policy, we urge all banks to give credit preference to essential industries.

The Federal Reserve System should be free from political influence, which is quite as important as its independence of domination by financial combinations.

(*Financial Achievements*)

A review of the record of the Democratic party during the administration of Woodrow Wilson presents a chapter of substantial achievements unsurpassed in the history of the republic. For fifty years before the advent of this administration periodical convulsions had impeded the industrial progress of the American people and caused inestimable loss and distress. By the enactment of the Federal Reserve Act the old system, which bred panics, was replaced by a new system which insured confidence. It was an indispensable factor in winning the war, and to-day it is the hope and inspiration of business. Indeed, one vital danger against which the American people should keep constantly on guard is the commitment of this system to partisan enemies who struggled against its adoption and vainly attempted to retain in the hands of speculative bankers a monopoly of the currency credits of the nation. Already there are well-defined indications of an assault upon the vital principles of the system in the event of Republican success in the elections in November.

Under Democratic leadership the American people successfully

DEMOCRATIC

financed their stupendous part in the greatest war of all time. The Treasury wisely insisted during the war upon meeting an adequate portion of the war expenditure from current taxes and the bulk of the balance from popular loans, and, during the first full fiscal year after fighting stopped, upon meeting current expenditures from current receipts notwithstanding the new and unnecessary burden thrown upon the Treasury by the delay, obstruction and extravagance of a Republican Congress.

The non-partisan Federal Reserve authorities have been wholly free of political interference or motive; and, in their own time and their own way, have used courageously, though cautiously, the instruments at their disposal to prevent undue expansion of credit in the country. As a result of these sound Treasury and Federal Reserve Policies, the inevitable war inflation has been held down to a minimum, and the cost of living has been prevented from increasing here in proportion to the increase in other belligerent countries and in neutral countries which are in close contact with the world's commerce and exchanges.

After a year and a half of fighting in Europe, and despite another year and a half of Republican obstruction at home, the credit of the Government of the United States stands unimpaired, the Federal Reserve note is the unit of value throughout all the world, and the United States is

REPUBLICAN

DEMOCRATIC

the one great country in the world which maintains a free gold market.

We condemn the attempt of the Republican party to deprive the American people of their legitimate pride in the financing of the war—an achievement without parallel in the financial history of this or any other country, in this or any other war. And in particular we condemn the pernicious attempt of the Republican party to create discontent among the holders of the bonds of the Government of the United States and to drag our public finance and our banking and currency system back into the arena of party politics.

THE HIGH COST OF LIVING

The prime cause of the "High Cost of Living" has been first and foremost, a fifty per cent depreciation in the purchasing power of the dollar, due to a gross expansion of our currency and credit. Reduced production, burdensome taxation, swollen profits, and the increased demand for goods arising from a fictitious but enlarged buying power have been contributing causes in a greater or less degree.

We condemn the unsound fiscal policies of the Democratic administration which have brought these things to pass, and their attempts to impute the consequences to minor and secondary causes. Much of the injury wrought is irreparable. There is no short way out, and we decline

The high cost of living and the depreciation of bond values in this country are primarily due to war itself, to the necessary governmental expenditures for the destructive purposes of war, to private extravagance, to the world shortage of capital, to the inflation of foreign currencies and credits and in large degree to conscienceless profiteering.

The Republican party is responsible for the failure to restore peace and peace conditions in Europe, which is a principal cause of post-armistice inflation the world over. It has denied the demand of the President for necessary legislation to deal with secondary and local causes. The sound policies pursued by the Treasury and the Federal Re-

REPUBLICAN

to deceive the people with vain promises or quack remedies. But as the political party that throughout its history has stood for honest money and sound finance, we pledge ourselves to earnest and consistent attack upon the high cost of living by rigorous avoidance of further inflation in our government borrowing, by courageous and intelligent deflation of over-expanded credit and currency, by encouragement of heightened production of goods and services, by prevention of unreasonable profits, by exercise of public economy and stimulation of private thrift and by revision of war imposed taxes unsuited to peace-time economy.

DEMOCRATIC

serve system have limited in this country, though they could not prevent, the inflation which was world-wide.

Elected upon specific promises to curtail public expenditures and to bring the country back to a status of effective economy, the Republican party in Congress wasted time and energy for more than a year in vain and extravagant investigations, costing the taxpayers great sums of money, while revealing nothing beyond the incapacity of Republican politicians to cope with the problems. Demanding that the President, from his place at the Peace Table, call the Congress into extraordinary session for imperative purposes of readjustment, the Congress when convened spent thirteen months in partisan pursuits, failing to repeal a single war statute which harassed business, or to initiate a single constructive measure to help business. It busied itself making a pre-election record of pretended thrift, having not one particle of substantial existence in fact. It raged against profiteers and the high cost of living without enacting a single statute to make the former afraid or doing a single act to bring the latter within limitations.

The simple truth is that the high cost of living can only be remedied by increased production, strict governmental economy and a relentless pursuit of those who take advantage of post-war conditions and are demanding and receiving outrageous profits.

PROFITEERING

REPUBLICAN

We condemn the Democratic administration for failure impartially to enforce the anti-profiteering laws enacted by the Republican Congress.

DEMOCRATIC

(*High Cost of Living*)

We pledge the Democratic party to a policy of strict economy in government expenditures, and to the enactment and enforcement of such legislation as may be reguired to bring profiteers before the bar of criminal justice.

RAILROADS

We are opposed to government ownership and operation or employee operation of the railroads. In view of the conditions prevailing in this country, the experience of the last two years, and the conclusions which may fairly be drawn from an observation of the transportation systems of other countries, it is clear that adequate transportation service both for the present and future can be furnished more certainly, economically and efficiently through private ownership and operation under proper regulation and control.

There should be no speculative profit in rendering the service of transportation; but in order to do justice to the capital already invested in railway enterprises, to restore railway credit, to induce future investment at a reasonable rate, and to furnish enlarged facilities to meet the requirements of the constantly increasing development and distribution, a fair return upon actual value of the railway property used in transportation

The railroads were subjected to Federal control as a war measure without other idea than the swift transport of troops, munitions and supplies. When human life and national hopes were at stake profits could not be considered and were not. Federal operation, however, was marked by an intelligence and efficiency that minimized loss and resulted in many and marked reforms. The equipment taken over was not only grossly inadequate, but shamefully outworn. Unification practices overcame these initial handicaps and provided additions, betterments and improvements. Economies enabled operation without the rate raises that private control would have found necessary, and labor was treated with an exact justice that secured the enthusiasite co-operation that victory demanded. The fundamental purpose of Federal control was achieved fully and splendidly, and at far less cost to the taxpayer than would have been the case under private operation. Investments in railroad proper-

REPUBLICAN

should be made reasonably sure, and at the same time provide constant employment to those engaged in transportation service, with fair hours and favorable working conditions, at wages or compensation at least equal to those prevailing in similar lines of industry.

We indorse the Transportation Act of 1920 enacted by the Republican Congress as a most constructive legislative achievement.

DEMOCRATIC

ties were not only saved by Government operation, but Government management returned these properties vastly improved in every physical and executive detail. A great task was greatly discharged.

The President's recommendation of return to private ownership gave the Republican majority a full year in which to enact the necessary legislation. The House took six months to formulate its ideas and another six months was consumed by the Republican Senate in equally vague debate. As a consequence, the Esch-Cummins bill went to the President in the closing hours of the time limit prescribed, and he was forced to a choice between the chaos of a veto and acquiescence in the measure submitted, however grave may have been his objections to it.

There should be a fair and complete test of the law and until careful and mature action by Congress may cure its defects and insure a thoroughly effective transportation system under private ownership without Government subsidy at the expense of the taxpayers of the country.

WATERWAYS

We declare it to be our policy to encourage and develop water transportation service and facilities in connection with the commerce of the United States.

(*Inland Waterways*)

We call attention to the failure of the Republican National Convention to recognize in any way the rapid development of barge transportation on our inland waterways, which development is the result of the constructive

REPUBLICAN

DEMOCRATIC

policies of the Democratic administration.

And we pledge ourselves to the further development of adequate transportation facilities on our rivers and to the further improvement of our inland waterways; and we recognize the importance of connecting the Great Lakes with the sea by way of the Mississippi River and its tributaries, as well as by the St. Lawrence River. We favor an enterprising Foreign Trade Policy with all nations, and in this connection we favor the full utilization of all Atlantic, Gulf and Pacific Ports, and an equitable distribution of shipping facilities between the various ports.

Transportation remains an increasingly vital problem in the continued development and prosperity of the nation.

Our present facilities for distribution by rail are inadequate and the promotion of transportation by water is imperative.

We therefore favor a liberal and comprehensive policy for development and utilization of our harbors and interior waterways.

REGULATION OF INDUSTRY AND COMMERCE

We approve in general the existing Federal legislation against monopoly and combinations in restraint of trade, but since the known certainty of a law is the safety of all, we advocate such amendment as will provide American business men with better means of determining in advance whether a proposed com-

(*The Trade Commission*)

The Democratic party heartily indorses the creation and work of the Federal Trade Commission in establishing a fair field for competitive business, free from restraints of trade and monopoly, and recommends amplification of the statutes governing its activities so as to grant it authority to

REPUBLICAN

bination is or is not unlawful. The Federal Trade Commission, under a Democratic administration, has not accomplished the purpose for which it was created. This Commission properly organized and its duties efficiently administered should afford protection to the public and legitimate business interests. There should be no persecution of honest business, but to the extent that circumstances warrant we pledge ourselves to strengthen the law against unfair practices.

We pledge the party to an immediate resumption of trade relations with every nation with which we are at peace.

DEMOCRATIC

prevent the unfair use of patents in restraint of trade.

INTERNATIONAL TRADE AND TARIFF

The uncertain and unsettled condition of international balances, the abnormal economic and trade situation of the world, and the impossibility of forecasting accurately even the near future, preclude the formulation of a definite programme to meet conditions a year hence. But the Republican party reaffirms its belief in the protective principle and pledges itself to a revision of the tariff as soon as conditions shall make it necessary for the preservation of the home market for American labor, agriculture and industry.

(*The Tariff*)

We re-affirm the traditional policy of the Democratic party in favor of a tariff for revenue only and we confirm the policy of basing tariff revisions upon the intelligent research of a non-partisan commission, rather than upon the demands of selfish interests, temporarily held in abeyance.

MERCHANT MARINE

The national defense and our foreign commerce require a merchant marine of the best type of

We desire to congratulate the American people upon the rebirth of our Merchant Marine, which

REPUBLICAN

modern ship flying the American flag, manned by American seamen, owned by private capital, and operated by private energy. We indorse the sound legislation recently enacted by the Republican Congress that will insure the promotion and maintenance of the American merchant marine.

We favor the application of the Workmen's Compensation Acts to the merchant marine.

We recommend that all ships engaged in coastwise trade and all vessels of the American merchant marine shall pass through the Panama Canal without payment of tolls.

DEMOCRATIC

once more maintains its former place in the world. It was under a Democratic Administration that this was accomplished after seventy years of indifference and neglect, thirteen million tons having been constructed since the act was passed, in 1916. We pledge the policy of our party to the continued growth of our Merchant Marine under proper legislation so that American products will be carried to all ports of the world by vessels built in American Yards, flying the American Flag.

(*Port Facilities*)

The urgent demands of the war for adequate transportation of war material as well as for domestic need, revealed the fact that our port facilities and rate adjustment were such as to seriously affect the whole country in times of peace as well as war.

We pledge our party to stand for equality of rates, both import and export, for the ports of the country, to the end that there may be adequate and fair facilities and rates for the mobilization of the products of the country offered for shipment.

IMMIGRATION

The standard of living and the standard of citizenship of a nation are its most precious possessions, and the preservation and elevation of those standards is the first duty of our Government. The immigration policy of the

(*Asiatic Immigrants*)

The policy of the United States with reference to the non-admission of Asiatic Immigrants is a true expression of the judgment of our people, and to the several states whose geographical situa-

REPUBLICAN

United States should be such as to insure that the number of foreigners in the country at any time shall not exceed that which can be assimilated with reasonable rapidity, and to favor immigrants whose standards are similar to ours.

The selective tests that are at present applied should be improved by requiring a higher physical standard, a more complete exclusion of mental defectives and of criminals, and a more effective inspection applied as near the source of immigration as possible, as well as at the port of entry. Justice to the foreigner and to ourselves demands provision for the guidance, protection and better economic distribution of our alien population. To facilitate government supervision, all aliens should be required to register annually until they become naturalized.

The existing policy of the United States for the practical exclusion of Asiatic immigrants is sound, and should be maintained.

DEMOCRATIC

tion or internal conditions make this policy and the enforcement of the laws enacted pursuant thereto of particular concern, we pledge our support.

NATURALIZATION

There is urgent need of improvement in our naturalization law. No alien should become a citizen until he has become genuinely American, and adequate tests for determining the alien's fitness for American citizenship should be provided for by law.

We advocate, in addition, the independent naturalization of married women. An American woman, resident in the United

(*Women in Industry*)

Federal legislation which shall insure that American women residents in the United States, but married to aliens, shall retain their American citizenship and that the same process of natural-

REPUBLICAN

States, should not lose her citizenship by marriage to an alien.

DEMOCRATIC

ization shall be required for women as for men.

FREE SPEECH AND ALIEN AGITATION

We demand that every American citizen shall enjoy the ancient and constitutional right of free speech, free press and free assembly and the no less sacred right of the qualified voter to be represented by his duly chosen representatives; but no man may advocate resistance to the law, and no man may advocate violent overthrow of the government.

Aliens within the jurisdiction of the United States are not entitled of right to liberty of agitation directed against the government or American institutions.

Every government has the power to exclude and deport those aliens who constitute a real menace to its peaceful existence. But in view of the large numbers of people affected by the immigration acts and in view of the vigorous malpractice of the Departments of Justice and Labor, an adequate public hearing before a competent administrative tribunal should be assured to all.

(*Free Speech and Press*)

We resent the unfounded reproaches directed against the Democratic Administration for alleged interference with the freedom of the press and freedom of speech.

No utterance from any quarter has been assailed, and no publication has been repressed which has not been animated by treasonable purpose, and directed against the nation's peace, order and security in time of war.

We reaffirm our respect for the great principles of free speech and a free press, but assert as an indisputable proposition that they afford no toleration of enemy propaganda or the advocacy of the overthrow of the Government of the State or nation by force or violence.

LYNCHING

We urge Congress to consider the most effective means to end lynching in this country which continues to be a terrible blot on our American civilization.

PUBLIC ROADS AND HIGHWAYS

REPUBLICAN

We favor liberal appropriations in co-operation with the States for the construction of highways, which will bring about a reduction in transportation costs, better marketing of farm products, improvement in rural postal delivery, as well as meet the needs of military defense.

In determining the proportion of Federal aid for road construction among the States, the sums lost in taxation to the respective States by the setting apart of large portions of their area as forest reservations should be considered as a controlling factor.

DEMOCRATIC

(*Improved Highways*)

Improved roads are of vital importance not only to commerce and industry, but also to agriculture and rural life. The Federal Road Act of 1916, enacted by a Democratic Congress, represented the first systematic effort of the Government to insure the building of an adequate system of roads in this country. The act, as amended, has resulted in placing the movement for improved highways on a progressive and substantial basis in every State in the Union, and in bringing under actual construction more than 13,000 miles of roads suited to the traffic needs of the communities in which they are located.

We favor a continuance of the present Federal aid plan under existing Federal and State agencies amended so as to include as one of the elements in determining the ratio in which the several States shall be entitled to share in the fund, the area of any public lands therein.

CONSERVATION

Conservation is a Republican policy. It began with the passage of the Reclamation Act signed by President Roosevelt. The recent passage of the coal, oil and phosphate leasing act by a Republican Congress and the enactment of the water-power bill fashioned in accordance with the same principle, are consistent

(*Petroleum*)

The Democratic party recognizes the importance of the acquisition by Americans of additional sources of supply of petroleum and other minerals and declares that such acquisition both at home and abroad should be fostered and encouraged. We urge such action, legislative and

REPUBLICAN

landmarks in the development of the conservation of our national resources. We denounce the refusal of the President to sign the water-power bill, passed after ten years of controversy. The Republican party has taken an especially honorable part in saving our national forests and in the effort to establish a national forest policy. Our most pressing conservation question relates to our forests. We are using our forest resources faster than they are being renewed. The result is to raise unduly the cost of forest products to consumers and especially farmers, who use more than half the lumber produced in America, and in the end to create a timber famine. The Federal Government, the States and private interests must unite in devising means to meet the menace.

DEMOCRATIC

executive, as may secure to American citizens the same rights in the acquirement of mining rights in foreign countries as are enjoyed by the citizens or subjects of any other nation.

RECLAMATION

We favor a fixed and comprehensive policy of reclamation to increase national wealth and production.

We recognize in the development of reclamation through Federal action with its increase of production and taxable wealth a safeguard for the nation.

We commend to Congress a policy to reclaim lands and the establishment of a fixed national policy of development of natural resources in relation to reclamation through the now designated government agencies.

(*Reclamation of Arid Lands*)

By wise legislation and progressive administration, we have transformed the government reclamation projects, representing an investment of $100,000,000, from a condition of impending failure and loss of confidence in the ability of the Government to carry through such large enterprises, to a condition of demonstrated success, whereby formerly arid and wholly unproductive lands now sustain 40,000 prosperous families and have an annual crop production of over $70,000,000, not including the crops grown on a million acres

REPUBLICAN

DEMOCRATIC

outside the projects supplied with storage water from government works.

We favor ample appropriations for the continuation and extension of this great work of home-building and internal improvement along the same general lines, to the end that all practical projects shall be built, and waters now running to waste shall be made to provide homes and add to the food supply, power resources, and taxable property, with the Government ultimately reimbursed for the entire outlay.

(*Flood Control*)

We commend the Democratic Congress for the redemption of the pledge contained in our last platform by the passage of the Flood Control Act of March 1, 1917, and point to the successful control of the floods of the Mississippi River and the Sacramento River, California, under the policy of that law, for its complete justification. We favor the extension of this policy to other flood control problems wherever the Federal interest involved justifies the expenditure required.

ARMY AND NAVY

We feel the deepest pride in the fine courage, the resolute endurance, the gallant spirit of the officers and men of our army and navy in the World War. They were in all ways worthy of the best traditions of the nation's

(*Conduct of the War*)

We express to the soldiers and sailors and marines of America the admiration of their fellow countrymen. Guided by the genius of such commanders as General John J. Pershing, the

REPUBLICAN

defenders, and we pledge ourselves to proper maintenance of the military and naval establishments upon which our national security and dignity depend.

DEMOCRATIC

armed forces of America constituted a decisive factor in the victory and brought new lustre to the flag.

We commend the patriotic men and women who sustained the efforts of their Government in crucial hours of the war and contributed to the brilliant administrative success achieved under broad-visioned leadership of the President.

THE SERVICE MEN

We hold in imperishable remembrance the valor and the patriotism of the soldiers and sailors of America who fought in the great war for human liberty, and we pledge ourselves to discharge to the fullest the obligations which a grateful nation justly should fulfil, in appreciation of the services rendered by its defenders on sea and on land.

Republicans are not ungrateful. Throughout their history they have shown their gratitude toward the nation's defenders. Liberal legislation for the care of the disabled and infirm and their dependents has ever marked Republican policy toward the soldier and sailor of all the wars in which our country has participated. The present Congress has appropriated generously for the disabled of the World War.

The amounts already applied and authorized for the fiscal year 1920–21 for this purpose reached the stupendous sum of $1,180,571,893. This legislation is significant of the party's purpose in

(*Disabled Soldiers*)

The Federal Government should treat with the utmost consideration every disabled soldier, sailor and marine of the world war, whether his disability be due to wounds received in line of action or to health impaired in service; and for the dependents of the brave men who died in line of duty the Government's tenderest concern and richest bounty should be their requital. The fine patriotism exhibited, the heroic conduct displayed by American soldiers, sailors and marines at home and abroad, constitute a sacred heritage of posterity, the worth of which can never be recompensed from the Treasury and the glory of which must not be diminished.

The Democratic Administration wisely established a War Risk Insurance Bureau, giving four and a half millions of enlisted men insurance at unprecedentedly low rates and through the medium of which compensation of men and women injured

REPUBLICAN

generously caring for the maimed and disabled men of the recent war.

DEMOCRATIC

in service is readily adjusted, and hospital facilities for those whose health is impaired are abundantly afforded.

The Federal Board for Vocational Education should be made a part of the War Risk Insurance Bureau, in order that the task may be treated as a whole, and this machinery of protection and assistance must receive every aid of law and appropriation necessary to full and effective operation.

We believe that no higher or more valued privilege can be afforded to an American citizen than to become a freeholder in the soil of the United States and to that end we pledge our party to the enactment of soldier settlements and home aid legislation which will afford to the men who fought for America the opportunity to become land and home owners under conditions affording genuine government assistance unencumbered by needless difficulties of red tape or advance financial investment.

CIVIL SERVICE

We renew our repeated declaration that the civil service law shall be thoroughly and honestly enforced and extended wherever practicable. The recent action of Congress in enacting a comprehensive civil service retirement law and in working out a comprehensive employment and wage policy that will guarantee equal and just treatment to the army of government workers, and in

REPUBLICAN

centralizing the administration of the new and progressive employment policy in the hands of the Civil Service Commission is worthy of all praise.

DEMOCRATIC

POSTAL SERVICE

We condemn the present Administration for its destruction of the efficiency of the postal service, and the telegraph and telephone service when controlled by the Government and for its failure to properly compensate employees whose expert knowledge is essential to the proper conduct of the affairs of the postal system. We commend the Republican Congress for the enactment of legislation increasing the pay of postal employees, who up to that time were the poorest paid in the government service.

The efficiency of the Post Office Department has been vindicated against a malicious and designing assault by the efficiency of its operation. Its record refutes its assailants. Their voices are silenced and their charges have collapsed.

We commend the work of the Joint Commission on the Reclassification of Salaries of Postal Employees, recently concluded, which Commission was created by a Democratic administration. The Democratic party has always favored and will continue to favor the fair and just treatment of all government employees.

(*Improved Highways*)

Inasmuch as the postal service has been extended by the Democratic party to the door of practically every producer and every consumer in the country (rural free delivery alone having been provided for 6,000,000 additional patrons within the past eight years without material added cost), we declare that this instrumentality can and will be used to the maximum of its capacity to improve the efficiency of distribution and reduce the cost of living to consumers while in-

REPUBLICAN

DEMOCRATIC

creasing the profitable operations of producers.

We strongly favor the increased use of the motor vehicle in the transportation of the mails, and urge the removal of the restrictions imposed by the Republican Congress on the use of motor devices in mail transportation in rural territories.

WOMAN SUFFRAGE

We welcome women into full participation in the affairs of government and the activities of the Republican party. We earnestly hope that Republican legislatures in States which have not yet acted on the Suffrage Amendment will ratify the amendment, to the end that all of the women of the nation of voting age may participate in the election of 1920 which is so important to the welfare of our country.

We indorse the proposed 19th Amendment of the Constitution of the United States granting equal suffrage to women. We congratulate the legislatures of the thirty-five States which have already ratified said Amendment, and we urge the Democratic Governors and legislatures of Tennessee, North Carolina and Florida and such States as have not yet ratified the Federal Suffrage Amendment to unite in an effort to complete the process of ratification and secure the thirty-sixth State in time for all the women of the United States to participate in the Fall election. We commend the effective advocacy of the measure by President Wilson.

SOCIAL PROGRESS

The supreme duty of the nation is the conservation of human resources through an enlightened measure of social and industrial justice. Although the Federal jurisdiction over social problems is limited, they affect the welfare and interest of the nation as a

REPUBLICAN

whole. We pledge the Republican party to the solution of these problems through national and State legislation in accordance with the best progressive thought of the country.

DEMOCRATIC

EDUCATION AND HEALTH

We indorse the principle of Federal aid to the States for the purposes of vocational and agricultural training.

Wherever Federal money is devoted to education, such education must be so directed as to awaken in the youth the spirit of America and a sense of patriotic duty to the United States.

A thorough system of physical education for all children up to the age of 19, including adequate health supervision and instruction, would remedy conditions revealed by the draft and would add to the economic and industrial stength of the nation. National leadership and stimulation will be necessary to induce the States to adopt a wise system of physical training.

The public health activities of the Federal Government are scattered through numerous departments and bureaus, resulting in inefficiency, duplication and extravagance. We advocate a greater centralization of the Federal functions, and in addition urge the better co-ordination of the work of the Federal, State and local health agencies.

(*Education*)

Co-operative Federal assistance to the States is immediately required for the removal of illiteracy, for the increase of teachers' salaries and instruction in citizenship for both native and foreign-born; increased appropriation for vocational training in home economics, re-establishment of joint Federal and State employment service with women's departments under the direction of technically qualified women.

CHILD LABOR

REPUBLICAN

The Republican party stands for a Federal child labor law and for its rigid enforcement. If the present law be found unconstitutional or ineffective, we shall seek other means to enable Congress to prevent the evils of child labor.

DEMOCRATIC

WOMEN IN INDUSTRY

Women have special problems of employment which make necessary special study. We commend Congress for the permanent establishment of the Women's Bureau in the United States Department of Labor to serve as a source of information to the States and to Congress.

The principle of equal pay for equal service should be applied throughout all branches of the Federal Government in which women are employed.

Federal aid for vocational training should take into consideration the special aptitudes and needs of women workers.

We demand Federal legislation to limit the hours of employment of women engaged in intensive industry, the product of which enters into interstate commerce.

We advocate full representation of women on all commissions dealing with women's work or women's interests and a reclassification of the Federal Civil Service free from discrimination on the ground of sex; a continuance of appropriations for education in sex hygiene.

(*Welfare of Women and Children*)

We urge co-operation with the States for the protection of child life through infancy and maternity care, in the prohibition of child labor and by adequate appropriations for the Children's Bureau and the Woman's Bureau in the Department of Labor.

HOUSING

The housing shortage has not only compelled careful study of ways of stimulating building, but it has brought into relief the unsatisfactory character of the housing accommodations of large numbers of the inhabitants of

REPUBLICAN

our cities. A nation of home owners is the best guaranty of the maintenance of those principles of liberty, law and order upon which our Government is founded. Both national and State governments should encourage in all proper ways the acquiring of homes by our citizens. The United States Government should make available the valuable information on housing and town planning collected during the war. This information should be kept up to date and made currently available.

DEMOCRATIC

HAWAII

For Hawaii we recommend Federal assistance in Americanizing and educating their greatly disproportionate foreign population; home rule; and the rehabilitation of the Hawaiian race.

We favor a liberal policy of homesteading public lands in Hawaii to promote a large middle-class citizen population, with equal rights to all citizens.

The importance of Hawaii as an outpost on the western Frontier of the United States demands adequate appropriations by Congress for the development of our harbors and highways there.

THE PHILIPPINES

We favor the granting of independence without unnecessary delay to the 10,500,000 inhabitants of the Philippine Islands.

PORTO RICO

We favor granting to the people of Porto Rico the traditional territorial form of government, with a view to ultimate state-

DEMOCRATIC

hood, accorded to all territories of the United States since the beginning of our Government, and we believe that the officials appointed to administer the government of such territories should be qualified by previous bona fide residence therein.

ALASKA

We commend the Democratic Administration for inaugurating a new policy as to Alaska as evidenced by the construction of the Alaska railroad and opening of the coal and oil fields.

We declare for the modification of the existing coal land law, to promote development without disturbing the features intended to prevent monopoly.

For such changes in the policy of forestry control as will permit the immediate initiation of the paper-pulp industry.

For relieving the territory from the evils of long-distance government by arbitrary and interlocking bureaucratic regulation, and to that end we urge the speedy passage of a law containing the essential features of the Lane-Curry bill now pending, co-ordinating and consolidating all Federal control of natural resources under one department to be administered by a non-partisan board permanently resident in the territory.

For the fullest measure of territorial self-government with the view to ultimate statehood, with jurisdiction over all matters not of purely Federal concern, includ-

REPUBLICAN

DEMOCRATIC

ing fisheries and game, and for an intelligent administration of Federal control we believe that all officials appointed should be qualified by previous bona fide residence in the territory.

For a comprehensive system of road construction, with increased appropriations and the full extension of the Federal Road Aid Act to Alaska.

For the extension to Alaska of the Federal Farm Loan Act.

IRELAND

The great principle of national self-determination has received constant reiteration as one of the chief objectives for which this country entered the war and victory established this principle.

Within the limitations of international comity and usage, this Convention repeats the several previous expressions of the sympathy of the Democratic party of the United States for the aspirations of Ireland for self-government.

(CONCLUSION)

Pointing to its history and relying on its fundamental principles, we declare that the Republican party has the genius, courage and constructive ability to end executive usurpation and restore constitutional government; to fulfil our world obligations without sacrificing our national independence; to raise the national standards of education, health and general welfare; to re-

REPUBLICAN

establish a peace-time administration and to substitute economy and efficiency for extravagance and chaos; to restore and maintain the national credit; to reform unequal and burdensome taxes; to free business from arbitrary and unnecessary official control; to suppress disloyalty without the denial of justice; to repel the arrogant challenge of any class and to maintain a government of all the people as contrasted with government for some of the people, and finally, to allay unrest, suspicion and strife, and to secure the co-operation and unity of all citizens in the solution of the complex problems of the day; to the end that our country, happy and prosperous, proud of its past, sure of itself and of its institutions, may look forward with confidence to the future.

DEMOCRATIC

Believing that we have kept the Democratic faith and resting our claims to the confidence of the people not upon grandiose promises, but upon the solid performances of our party, we submit our record to the nation's consideration and ask that the pledges of this platform be appraised in the light of that record.

INDEX

Absent voters laws, 352 ff.
Absentee voters, 299, 350 ff.
Absentee voting in party platforms, 353 n.
Act of 1820, 371.
Act of 1836, 371.
Adams County, Ohio, corruption in, 280.
Adamson law, 48, 50.
"Administrative lie," 532.
Advertisements, political, 283.
"Advisory" primary, 174.
Advisory recall in Arizona, 489.
Alaska, 45, 192.
Alternates, in national convention, 192.
Amendment of Federal Constitution, 68, 181–182.
Amendments, in legislative procedure, 531–532.
American Federation of Labor, Socialism in, 88.
Americanism, 26, 72.
American Socialist, 86 n.
Anti-lobbying laws, 468, 580–581.
Anti-Masonic party, 190.
Anti-trust law, 22.
Appeals to U. S. Supreme Court, 504 n.
Appointive officers, removal of, 484.
Appointive offices, Federal Constitution on, 369–370.
  in Federal civil service, 368–369, 370.
Appointments, under civil service act, 403–404.
Apportionment acts, publicity for, 578–579.
Apportionment of delegates, 1916, 192–193.
Appropriations, veto of specific, 542–543, 572.
Arizona, recall in, 489, 496.
  veto by President Taft, 496.
Arnold, W. A., 75.
Arthur, Chester A., 215.
Ashtabula, Ohio, 579.
Assembly Bulletin, 577.
Assembly district leader, in Tammany organization, 438 ff.
Assessment, of office-holders, 273 ff, 410.
  evils of, 274–275.
Assessments, under the spoils system, 386.
"Assistance clauses," 326; in Pennsylvania, ib.
Assistant postmasters, merit system extended to, 415 n.
Australian ballot system, adopted in United States, 323.
  "assistance clauses," 326.
  principal features of, 324 ff.
  secrecy of, 325.
  types of ballot, 331 ff.
Auxiliary Committee, Tammany, 437.
Auxiliary party committees, 233–235.

Ballot, the, bibliography, 361–366.
  complexity of, 339.
  in Cook County, Illinois, 339.
  Indiana type, 332.
  Massachusetts type, 331, 332.
  non-partisan, 338–339.
  order of names on, 331 ff.
  party column type, 332.
  party emblems on, 330–331.
  Pennsylvania type, 332.
  short ballot, 343 ff.
  size and shape of, 330.
Balloting, in national conventions, 212, 214.
Belgium, Socialism in, 82.
"Belt-line" district, 423.
Berger, V. L., 75.
Bibliography—
  ch. I, 13–15.
  ch. II, 57–64.
  ch. III, 102–108.
  ch. IV, 121–123.
  ch. V, 138–139.
  ch. VI, 160–164.
  ch. VII, 187–189.
  ch. VIII, 222–229.
  ch. IX, 253–254.
  ch. X, 266–267
  ch. XI, 293–297.
  ch. XII, 316–321.

ch. XIII, 361–366.
ch. XIV, 389–392.
ch. XV, 424–432.
ch. XVI, 474–481.
ch. XVII, 505–510.
ch. XVIII, 534–536.
ch. XIX, 564–569.
ch. XX, 603–611.
Bill drafting, expert assistance in, 574–576.
under the initiative, 593–594.
Bi-partisan boards, 452–453.
"Blackmailing" legislation, 558–559.
"Blanket" ballot, 343.
"Blind-voting," 340–341.
"Bolters," 6, 550.
Bosses, blackmailing corporations, 457.
charitable work of, 458, 470–472.
connection with legislative committees, 522–523.
consequences of boss control, 132–133.
control of campaign funds, 457.
control of conventions, 131.
control of legislative bodies, 460–461.
control of nominations and elections, 342, 348.
distinguished from leaders, 456–457.
evolution of, 454–455.
influence on administrative policies, 458–459.
influence on the judiciary, 461–462.
personal qualities of, 455–456.
seldom become candidates, 456.
Bribery, in elections, 279–281.
in legislative bodies, 557 ff.
in primaries, 117–118.
invited by legislators, 558–559.
Bucklin system, 348.
Budget, 40.
Business, Republican party and, 46–47.
Business corporations, relations with political machines, 450.

California, campaign expenditures in, 286.
presidential primary in, 199.
recall in, 488.
"Call," for national conventions, 190–191.
Campaign clubs, 257 ff.
Campaign contributions, by corporations, prohibited, 283–284.
by State governments, 283–284.
by the Federal government proposed, 285.
Federal laws controlling, 283–284.
publicity of, 287 ff.
State laws controlling, 283–284.
Campaign documents, 261 ff.
publicity pamphlets in Oregon, 262 ff.
Campaign expenditures, 268–269.
illegitimate, 279 ff.
in New York County, 276–278.
legitimate, 275 ff.
publicity of, 287 ff.
regulated by statute, 285 ff.
Campaign funds, Democratic, 275 ff.
in 1856, 268.
in 1860, ib.
in 1896, ib.
in 1904, 268–269.
in 1908, 269.
laws restricting expenditure of, 285 ff.
laws restricting sources of, 283 ff.
methods of raising, 270 ff.
publicity of, 287 ff.
Campaign issues, 1916, 48 ff.
sources of, 270 ff.
Campaign methods, 255 ff.
appealing to emotions, 256 ff.
appealing to the intelligence, 261 ff.
bibliography, 266–267.
in Oregon, 262–263.
Campaign text-book, 261.
Campaigns, conduct of, 255 ff.
importance of organization in, 231–232.
Candidates, arrangement of names on ballot, 331 ff.
boss control of, 131.
contributions of, 272.
Democratic, 45.
in direct primaries, 153 n.
solicitation of, 282.
Canvass of voters, 244–245.
"Cards of instruction," 324–325.
"Caucus nominee," 168.
Caucus or primary, call for, 113–114.
bribery, 117.
evils of, 115 ff.
foreign element in, 115.
packed, 116.
participation in, 119.
place of holding, 115.
ring rule, 118.

rules governing, 114.
"snap," 116.
Chamberlain, Governor, elected United States senator from Oregon, 175.
Characteristics of a political party, 3 ff.
Checks and balances, impaired by direct legislation, 590–591.
Chicago, elective offices in, 339–340.
Socialist headquarters, 85.
Socialist vote in, 75.
Chicago, *Daily Socialist*, 86.
Citizens' Union of New York City, 576.
City nominations, 113.
Civil service, defined, 368 n.
Civil service act of 1883, appointments under, 403–404.
examinations under, 403.
political assessments prohibited, 410.
solicitation of political contributions prohibited, 404.
summarized, 403–404.
Civil service commission, under President Grant, 398–399.
Civil service reform, 393 ff.
aims of, 393–394.
bibliography, 424–432.
competitive examinations, 395 n, 398, 402–403.
early attempts at, 394 ff.
economic benefits of, 408–409.
extension of, 405 ff.
in cities and States, 418 ff.
in Democratic and Republican platforms, 40, 400–401.
in Progressive platform, 71.
opposition to, 406–407.
Pendleton act, 401 ff.
political benefits of, 409 ff.
President Grant and, 398–399.
President Hayes and, 399.
President Wilson and, 49.
real beginning of, 396.
Civil Service Reform League, 401.
Civil service rules, exemptions under, 416 ff.
political activity under, 410 ff.
removals under, 415–416.
Civil War, congressional corruption during, 558.
"Classified service," 403.
Cleveland, President, 204.
"Closed" primaries, 141.
Clubs, campaign, 257 ff.
Collective ownership, 92, 97.
College League, Republican, 258.
Colorado, campaign contributions and expenditures in, 284.
civil service reform in, 419.
recall of judicial decisions, 503.
Columbus, Ohio, Socialist vote in, 75.
Commission government, recall under, 486.
Committee on resolutions, in national conventions, 18, 211.
Committee on rules, appointment and powers of, 539–540.
Committee proceedings, publicity for, 571.
Committee system, 521 ff.
advantages of, 523.
defects of, 524–525.
lobbying encouraged by, 554–555.
Committees, in national conventions, 208 ff.
Committees (legislative), appointment of, 521–523.
functions of, ib.
in Pennsylvania legislature, 522 n, 524 n.
legislation smothered by, 526 n.
on rules, 539–540.
reference of bills to, 537–538.
relations with machines and bosses, 522–523.
"snap" meetings of, 523.
Competition, Socialists on, 78.
Competitive examinations, under civil service act, 403–404.
economy of, 408–409.
exemptions from, 416–417.
suspended by President Grant, 400.
Competitive service, political activity by, 411–412.
Competitive system, early opponents of, 406–407.
economy under, 408–409.
established by civil service act, 403 ff.
executive extension of, 405.
extent of, 405.
present opponents of, 408.
Congress, committee on rules in, 539–540.
extravagant legislation by, 557.
nomination of representatives in, 165 ff.
number of committees in, 524 n.
speaker's power in, 537 ff.
Congressional and State elections, 1914, 72.

Congressional campaign committees, 239–240.
Congressional districts, gerrymander of, 422–423.
Congressional district committees, 166.
Congressional Union, 311–312.
Congressmen, nomination of, 165 ff.
publicity of expenditures by, 290.
restriction of expenditures by, 287.
Congressmen at-large, nomination of, 166.
Connecticut, educational test in, 303.
venal voters in, 280.
Conservation, 34, 71.
Constitutional amendment, for popular election of senators, 176–177, 181–182.
Constitutional limitations, upon State legislatures, 529–530, 570.
Contested election cases in legislative bodies, 518, 571.
Contesting delegations, 129.
in national conventions, 209–210.
Contributions (campaign) by corporations prohibited, 283–284.
laws restricting, 283–285.
publicity for, 287 ff.
Control of government the aim of parties, 8.
Convention system, bibliography, 138–139.
boss control, 131.
character of delegates, 127–128.
complexity of, 130.
contesting delegations, 129.
defects of, 127 ff.
in New York State, 130.
proceedings, 129–130.
proxies, 128–129.
remedies, 133–137.
Cook County, Illinois, convention in, 127–128.
number of candidates in, 339–340.
size of ballot in, 339 n.
Cooper, Congressman, 20.
Co-operative commonwealth, 95.
Corrupt practices acts, 282.
in New York, 289.
Cotton futures act, 35.
Country postmasters. See Fourth-class postmasters.
County and State nominations, bibliography, 124–125.
County central committees, 124.
County leader, Tammany, 216 ff.
County offices, nominations for, 124 ff.
"Courtesy of the Senate," 378–379.
Courts—
jury trial in contempt cases, 23.
legislation declared unconstitutional by, 497–498.
recall of judges, 493 ff.
recall of judicial decisions, 499 ff.
Credentials, committee on, 129, 209–210.
Currency issue, Judge Parker and, 52.
Currency plank, 1904, 19.
Curtis, George William, 407.
civil service commissioner, 398.
on platforms of 1872, 400.
president of Civil Service Reform League, 401.

Debs, E. V., 84.
Defects of national convention, 216 ff.
Delaware, machine politics in, 462.
senatorial deadlock in, 171.
Delegates, apportionment in national convention, 192 ff.
character of, 127–128, 204–205.
instructions, 196–197.
motives actuating, 206.
seating in national convention, 205.
Delegates at large, 196, 197.
Democratic national committee, expenditures by, 268–269.
Democratic national convention (1840), 54.
(1860), 20.
(1904), 19, 52.
action on unit rule, 213 n, 214.
instructions to delegates, 196–197.
method of choosing delegates, 195, 196.
two-thirds rule, 212–213.
unit rule, 212–214.
Democratic platform, 17.
(1900), 177.
(1904), 19.
(1908), 177.
(1916), 21 ff.
Denver, Colorado, machine politics in, 464 n.
Direct legislation, 581 ff.
an alternative system, 591.
arguments for, 586 ff.

bibliography, 603–611.
checks and balances impaired, 590–591.
constitutionality of, 590.
educational value of, 587–588.
incompetence of voters to deal with, 597–598.
indifference of voters to, 595–596.
in Illinois, 597.
in Maine, 594–595.
in municipalities, 585.
in Oregon, 581, 587, 590, 597.
objections to, 590 ff.
opponents of, 589–590.
questions and topics, 600–602.
signature-getting, 599.
Socialists and, 95, 585–586.
statutes rendered more intelligible, 588.
two purposes of, 583–584.
Direct nomination of President, 201–202.
trivial matters brought forward, 599.
voter's task simplified, 588–589.
Direct primary elections, 140 ff.
advantages of, 148–150.
and other reforms, 157–158.
bibliography, 160 ff.
candidates nominated by, 151 and n, 156 and n.
effect on candidates, 151 n, 153 n.
expenditures in, 151 n.
laws concerning, 143–147.
number of candidates, 153 n.
objections to, 150–153.
"open" and "closed," 141–142.
party tests, 145–146.
procedure, 140–141.
questions and topics, 159–160.
spread of movement, 147.
"Dispensing power" of the President under the civil service rules, 416 ff.
District captains committee, 447.
District clubs, Tammany, 442–443.
District conventions, congressional, 166.
legislative, 124–125.
District general committee, Tammany, 437.
function of, 437.
officers of, 438.
organization of, 435–436.
District leader, in Tammany organization, 438 ff.
District of Columbia, 192, 194.
District standing committees, Tammany, 441.
Divided allegiance, 26–28.
Documents, campaign, 261 ff.
in Oregon, 262 ff.
Dual district leaders, 438 n.
"Dumb-bell" district, 547.

Eaton, Dorman B., 407.
Economic freedom, 23.
Economy and efficiency bureau, 1916, 277 n.
Economy and the budget, 40.
Educational qualifications, 303 ff.
arguments for and against, 308–310.
in Southern States, 304–306.
Election district captain, 445–446.
Election laws, main provisions of, 322 ff.
Election system, defects of American, 336 ff.
Elections, concurrence of local, State, and national, 337–338.
divorcing State and national, 467.
frequency of, 336–337.
Elective offices, in Chicago, 339.
in Cook County, Illinois, 339, 340.
in New Jersey, 339.
in New York City, 340.
in Philadelphia, 340.
multiplicity of, 339 ff.
political machines and, 458.
reduction in number of, 343 ff, 466.
"Electoral ticket," 184.
Electrical voting, 571.
Ellis, Wade, 19.
"Emergency" measures under the referendum, 584.
"Envelope" ballot, 326 ff.
advantages of, 329.
objections to, 329–330.
European war, 72, 90, 93.
Executive committee, in Tammany organization, 444–445.
Executive messages, 540–541.
Expenditures (campaign), Federal law limiting, 287.
illegitimate, 279 ff.
in national campaigns, 268 ff.
legitimate, 276 ff.
of New York County Republican Committee, 276–277.
of representatives and senators in Congress, 287.

publicity of, 287 ff.
State laws restricting, 285 ff.

Faction, 5.
False registration, in New Jersey, 328.
in New York City, 228.
Farmer, deeds for, 34.
Federal buildings, appropriations for, 557, 572.
Federal civil service, improved character of, 418.
(See Civil service reform.)
Federal employees, 37–38.
Federal Trade Commission, 22.
Fergus cases, 530 n.
Fifteenth Amendment, 300.
"Filibustering," 560.
Finance (party), 268 ff.
(See campaign funds, campaign contributions, campaign expenditures, etc.)
Finance committees, 269.
Foreign relations, 29.
Fourteenth Amendment, 307–308.
Fourth-class postmasters, merit system extended to, 414–415.
"Four-year tenure" acts of 1820 and 1836, 371.
France, Socialism in, 82.

Garfield, President, on the spoils system, 384.
Garfield's administration, factional fights in, 401.
Gas Ring, in Philadelphia, 435.
"Gavel rule," 530–531.
General committee, in Tammany organization, 443–444.
General legislation, 526.
George III, 373.
Germany, Socialism in, 82.
Gerrymander, 546–548.
remedies for, 578–579.
"Good" citizens, political indifference of, 118–119, 451.
Good roads law, 36.
Gorman, Senator A. P., 236, 237.
Government employees, 37.
Government ownership, Socialism and, 97.
Grain grades and warehouse bills, 35.
"Grandfather clauses" in Southern States, 304 ff.
Grand Junction, Colorado, 347.
Grant, President, 204, 398–399.
Great Britain, civil service reform in, 407.
Socialism in, 82.
"Great" parties, 16.
Groat, G. G., 151 n, 153 n.
"Gum-shoe" campaigns, 260–261.

Hanna, Senator Marcus A., 238, 455.
Harrison, President W. H., 374.
Hawaii, Territory of, 192, 194.
Hayes, President, civil service reform under, 399.
on political activity of office-holders, 411 n.
Headquarters, New York County Republican, 277–278.
Hearst, W. R., 75.
Hill, David B., 352.
"Hold-up" legislation, 558–559, 587.
"Hoopla" or "hurrah" campaigns, 260–261.
House of Representatives (national), method of appointing committees in, 521.
Hughes, Charles E., 48, 49, 72, 73, 144–145, 313.

Illinois—
"belt-line" district in, 548.
direct primary, 1916, 150 n, 155 n.
legislature, 514 n.
machine politics in, 462.
marking ballot in, 333.
primary candidates, 155 n.
referendum in, 597.
Socialist vote in, 74.
woman's suffrage in, 310.
Illinois, Legislative Voters' League, 577.
"Immunity" statutes, 572–573.
Impeachment, in Oregon, 485.
in South Carolina, 485.
removal of officials by, 484–485, 495.
Incompetents, removal of, 383.
Independence League, 75.
Independence party, 16.
Independent voting, 73, 333 ff.
effect of ballot upon, 333 ff.
increase of—
in Kansas, 335.
in Massachusetts, 335.
in Michigan, 335.
in Minnesota, 335.
in Montana, 335.
in Nevada, 335.
in Rhode Island, 335.
in Washington, 335.

in Wisconsin, 335.
in Wyoming, 335.
Indiana, marking ballots in, 333.
Socialist vote in, 74.
type of ballot, 332.
Industrial demand, 98.
Industrial reforms, 69, 98.
Initiative, 465, 581 ff.
bill-drafting under the, 593–594.
defined, 581–582.
direct and indirect, 585.
educational value of, 587–588.
in Maine, 594–595.
procedure, 584–585.
shifts legislative responsibility, 591–592.
Injunctions, 19, 23, 69.
Instructions, binding force of, 197.
to delegates in national convention, 196–197.
to voters, 324.
"Insurgents," 6, 67, 426.
International congress, 95.
International relations, 29.
Interstate commerce, 46–47, 70.
Issues, 1916, 48.

Jackson, President, spoils system under, 371, 372, 373, 374.
Jacksonian democracy, 126.
Jenckes, Hon. Thomas A., 396–397, 401.
Johnson, Governor Hiram, 67.
Judges, impeachment of, 495.
recall of, 493 ff.
removal of, 485, 493 ff.
Judicial decisions, declaring legislation unconstitutional, 497–498.
"recall" or "review" of, 68, 499 ff.
Judicial recall. (See Judges.)
Judiciary, the, independence of, 494–495.
Justice, reform in the administration of, 96.

Kansas, absent-voting law, 352–354.
independent voting in, 335.
recall in, 487.
Kentucky, Australian ballot in, 323.
partisan legislation, 545–546.
Know-Nothing party, 303.

Labor and labor laws, 22, 38.
Labor plank (1908), 19.
Labor reformers, 400.
La Follette, Senator Robert, 20.
Latin America, 31.
Leaders, distinguished from bosses, 456–457.
Legislation, affecting the convention system, 134.
amount of, 523 n.
by initiative and referendum. (See Direct legislation.)
executive influence on, 540–541.
factors influencing, 537 ff.
influence of caucus on, 548 ff.
influence of public opinion on, 555–556, 576–578.
partisan, 544 ff.
ripper, 545.
special, 526 ff.
"strike," 558–559.
Legislative agents, 580–581.
Legislative bodies, bribery in, 558 ff, 573.
caucus in, 548 ff, 551 n.
character of legislation, 526 ff.
character of members, 512 ff.
checks on parties in control of, 511.
choice of presiding officers, 518–519.
committee system in, 521 ff.
"common consent" in, 530.
"conferences" in, 550.
contested election cases in, 518, 571.
executive influence in, 540 ff.
influence of the lobby, 551 ff.
influence of the minority, 560.
influence of the speaker, 519 ff.
lack of experts in, 513–514.
lack of legislative experience in, 513–514.
legislative reference libraries, 574 ff.
"log-rolling," 556–557.
minority in, 560.
minor offices in, 376, 520.
politics in organization of, 518 ff.
popular distrust of, 512 ff.
practical politics in, 511 ff.
procedure in, 529 ff.
rules of, 529–530.
smothering legislation, 525, 526 n.
special sessions, 543–544.
Legislative caucus, 126, 167–169, 548 ff.
Legislative counsel, 580.
Legislative districts, gerrymander of, 546–548.
Legislative evils, remedies for, 570 ff.
Legislative extravagance, log-rolling and, 557.

Legislative procedure, constitutional provisions regulating, 529, 531.
gavel rule in, 530–531.
pernicious amendments, 531–532.
reform, 570–571.
Legislative reference libraries, 574 ff.
for Congress, 575–576.
Legislative Voters' Leagues, 576 ff.
Legislators, character of, 512 ff.
inexperience of, 515.
influenced by lobbyists, 516.
lack of experts among, 513–514.
narrow conception of functions, 516–517.
owned by special interests, 516.
timidity of, 513, 515.
"Letter of acceptance," 53.
Liberal Republicans, 400.
Library of Congress, 576.
Life above property, 30.
Life insurance companies, "hold-up" bills affecting, 559.
Life insurance investigation, in New York, 288.
Lincoln's use of patronage, 387 n.
Lobby, the, influence of, 551 ff.
in Congress, 554.
Lobbying, by legislators, 552.
causes of, 554–555.
checked by referendum, 586–587.
illegitimate, 552–553.
in Congress, 552.
in New York, 553.
remedies for, 580–581.
under boss rule, 553–554.
Lobbyists, two classes of, 552.
Local committees, 243–246.
canvass of voters by, 244–245.
composition of, 245–246.
rules of, 245–246.
study of, 245–246.
"Local co-operating plan," 572.
Local nominations, bibliography, 121–123.
Local offices, nominations for, 109 ff.
city nominations, 110.
"Log-rolling," 556.
Lorimer, William, 171.
Los Angeles, California, 75.
Louisiana, "grandfather clause" in, 304–305.
civil service law, 419 n.
Louisville, Kentucky, Australian ballot in, 323.

Machines (political) and bosses, 433 ff.
bibliography, 474–481.
connection with legislative committees, 522–523.
control of administrative policies, 458–459.
control of legislative bodies, 460–461, 522–523.
control of nominations and elections, 342, 458.
defined, 433.
distinguished from "organization," 433–434.
distinguished from "ring," 435.
factors in development of, 447 ff.
influence of spoils system on, 386.
influence on administrative policies, 458–459.
in Philadelphia, 434.
of David B. Hill, in New York, 434.
of Quay and Penrose, in Pennsylvania, 434.
relations with low-class interests, 464–465.
relations with trade-unions, 464.
remedies for, 645 ff.
revolts against, 465.
Tammany, 435 ff.
McKinley, President, 204, 263, 424.
Maine, direct legislation in, 594 ff.
educational test in, 304.
Majority report on national platform, 19.
Manageable voters, political machines and, 452.
Marketing, 36.
Maryland, marking ballot in, 331.
presidential primary in, 200.
Massachusetts, Australian ballot in, 331.
civil service reform in, 419.
educational test in, 303–304.
independent voting in, 335.
regulation of committee meetings, 523 n.
removal of judges in, 405.
type of ballot, 331, 333.
Massachusetts Civic League, 576.
Mass-meetings, 256.
Measures to insure peace, 94.
Merchant marine, 33–34.
Merit system, extension of, 405.
extent of, 405–406.
opposition to, 406–407.
(See Civil service reform.)
Merriam, C. E., conclusions on direct primary, 154–156.

Mexico, 32–33, 50.
Michigan, independent voting in, 335.
marking ballot in, 333.
Militarism, 90.
Milwaukee, Socialist strength in, 75.
Minnesota, direct legislation in, 594 n.
independent voting in, 335.
law on campaign expenditures, 286.
law on political advertisements, 283.
Minority, legislation influenced by, 560.
"Minority report" in national conventions, 19.
"Minor" parties, 16, 65.
Mississippi, "shoe-string" district in, 547.
Mississippi valley, prevention of floods in, 44.
Missouri, boss rule in, 460 n, 462.
form of ballot in, 324 n.
marking ballot in, 333.
Socialist vote in, 74.
Monongahela Club, 442.
Monopolies, Socialists and, 78.
Monroe Doctrine, 31, 32–33, 94, 95.
Municipal government, civil service reform in, 418 ff.
recall in, 486.
spoils system in, 418–419.
Municipal non-partisan law, 147 n.
Murphy, Charles F. 440–441.

National administration, indorsement of, 21, 55.
National American Woman Suffrage Association, 311–312.
National Association of Democratic Clubs, 258
National banks, contributions prohibited, 283.
National chairman, 234–238.
functions of, 235–236.
influence of, 236–238.
National committee, 217–218.
auxiliary committees, 233–235.
new methods of, 233.
origin, 232.
powers of, 217–218.
secretary of, 238–239.
subcommittees, 233–235.
National convention, apportionment of delegates in, 192 ff.
bibliography, 222.
call for, 190–191.
character of delegates, 204–205.
committees in, 208.
committees on notification, 216
contesting delegations, 209–210.
defects of, 216 ff.
delegates, 1916, 192.
instruction of delegates, 196–197.
nominating procedure, 211–212.
opening session, 207 ff.
permanent chairman, 210–211.
platform, 211.
pre-convention campaign, 203–204.
preliminary arrangements, 190, 191 n.
scene of, 205–206.
temporary chairman, 207–208.
temporary roll, 217–218.
National Council for Women Voters, 311.
National defense, 49.
National executive committee, Socialist, 85.
National headquarters, 1916, 238 n.
National party, how formed, 16.
National platform, origin, 54.
National Progressive party, 67, 68, 71, 72, 73.
expenditures of, 269.
national convention, 67.
platform, 68 ff.
National Publicity Bill Organization, 288.
National Republicans, 54.
National Voters' League, 578.
Navy-yards, merit system extended to, 415 n.
Nebraska, marking ballot in, 333.
Negro suffrage. (See Suffrage qualifications, Educational qualifications.)
Nevada, independent voting in, 335.
New Jersey, civil service reform in, 419.
envelope ballot in, 328.
machine politics in, 450.
number of candidates in, 330.
personal registration in, 302.
Newspapers, in campaigns, 264.
Socialist, 86.
New York *Call*, Socialist paper, 86.
New York Citizens' Union, 449.
New York custom-house removals, 382.
early civil service reform in, 398, 399.
machine politics in, 434.
marking ballots in, 325.

number of elective offices in, 340.
party expenditures in, 277 ff.
primaries in, 115 n, 118.
primary ballot in, 330.
Tammany organization, 435 ff.
Tweed Ring, 435.
New York Civil Service Reform Association, 401.
New York legislature, expert draftsmen in, 576.
lobby in, 553.
New York State, civil service reform in, 419.
constitutional convention, 1915, 345 n.
convention system in, 130–131.
delegates to national convention, 212.
machine politics in, 450, 462.
origin of spoils system, 376.
party test in primaries, 146.
removal of judges in, 495.
woman's suffrage in, 310, 311.
Nominating methods, 109 ff.
Nominations, boss control of, 342.
by caucus or primary, 110.
by conventions, 110.
by direct primary elections, 110–111, 140 ff.
by petitions, 111.
by self-announcement, 110.
five methods of, 110–111.
for city offices, 113.
for county and State offices, 124 ff.
for Federal offices, 165 ff, 190 ff.
for local offices, 109 ff.
Non-competitive service, officials included in, 406 n, 412–413.
political activity of, 413 ff.
Non-partisan ballot, 338–339.
Non-partisan primary, 147.
North Carolina, "grandfather clause" in, 304, 305.
North Dakota absentee voting law, 354.

Objects of party organization, 4, 255.
"O'Connell, James," fictitious candidate, 341.
Odell, Benjamin B., 462.
"Office-brokers," senators become, 377–378.
Office-holders, assessment of, 273 ff, 410.
in national convention, 217.
political activity of, 410 ff.
Offices, superfluous, 548.
Ogden bill, Maryland, 599.
O'Hara, Michael, Association, 442.
Ohio, civil service reform in, 419.
constitutional amendment, 503.
Oil City, Pennsylvania, 341.
Oklahoma, "grandfather clause" in, 306.
"One-dollar" campaign subscription, 270.
"Open" primaries, 141.
objections to, 142.
Oregon, campaign expenditures in, 286.
direct legislation in, 581, 587, 597.
impeachment in, 485.
nomination and election of United States senators in, 174–176.
presidential primary in, 200.
publicity pamphlets in, 262–263, 587.
recall in, 486, 487, 490, 491–493, 496.
Organization (party), 3, 4.
distinguished from machine, 433–434.
importance in campaigns, 231–232, 249.
of women voters, 246 ff.

Pacific States Tel. & Tel. Co. vs. Oregon, 590 n.
"Packed" primaries, 116–117.
Pan-American concord, 31.
Parker, Col. J. M., 73.
Parker, Judge A. B., 52.
"Parlor" caucuses, 118.
Parties, a proof of American political capacity, 10.
extra-legal institutions, 11–12.
indispensable in United States, 10.
powerful forces for good, 10.
under popular government, 9.
Partisan legislation, 544 ff.
Party, defined, 9.
disruption of, 5.
Party allegiance, direct primary tests of, 145–147.
Party characteristics, 3 ff.
Party column, ballots with, 332.
effect on independent voting, 333, 334.
Party committees, affected by publicity laws, 249.
affected by direct primary, 249–250.

Governor Hughes's suggestion, 250.
irresponsibility of, 249–250.
Party expediency, legislation influenced by, 544 ff.
Party expenditures, illegitimate, 279 ff.
in national campaigns, 268–269, 276 ff.
in New York County, 277–278.
legitimate, 276 ff.
publicity for, 287 ff.
Party finance, 268 ff.
bibliography, 293–297.
Party leadership, effect of boss control on, 132–133.
Party machinery, 230 ff.
army of privates, 251.
bibliography, 253–254.
congressional campaign committees, 239–240.
Democratic innovation, 251–252.
efficiency of, 250.
in Indiana, 250.
in New York, 250.
in Pennsylvania, 250.
local committees, 243 ff.
national chairman, 234 ff.
national committee, 233 ff.
national secretary, 238.
purpose of, 255.
State central committees, 240 ff.
Party measures, caucus consideration of, 548 ff.
in legislative bodies, 544–545.
Party organization, distinguished from machine, 433–434.
Party regularity, machine politics and, 451.
Party revenue, sources of, 220 ff.
Party rules, 133.
"Pass" examinations, 395–396.
"Patrick Divver Association," 442.
Patronage, 368 n.
Payment of delegates, 205 n.
Peace, Socialist and, 94.
Pendleton, Senator George H., 401.
Pendleton act. (See Civil service act.)
Pennsylvania, "assistance" clause in, 326.
ballot in, 332.
bipartisan boards, 453.
"dumb-bell" district in, 547.
law regulating campaign expenditures, 285–286.
machine politics in, 434, 447 n, 450 n, 453 n, 460 n.
personal registration in, 302.
presidential electors, 183.
"Reorganizers," 453 n.
Republican machine, 450 n. 3.
ripper legislation in, 528 n.
Socialist vote in, 74.
Pennsylvania legislature, appointment of committees in, 522 n, 524 n.
disorderly proceedings in, 531 n.
minor officials in, 520 n.
number of committees in, 524 n.
Penrose, Senator Boies, 460 n.
Pensions, 43.
"People's" lobby, 577.
People's party, 16.
Permanent chairman of national convention, 210–211.
Permanent organization of national convention, 210–211.
"Pernicious activity" of office-holders, 410 ff.
Personal registration, 302–303.
in New Jersey, 302.
in Pennsylvania, 302.
Petition, nomination by, 111, 136.
for recall election, 486–487, 492.
in connection with direct legislation, 584.
Philadelphia,
civil service reform in, 401.
fictitious candidates in, 341.
Gas Ring, 435.
municipal campaign, 1911, 464 n, 467 n.
non-partisan primary, 147 n.
number of council committees, 524.
number of elective offices, 340.
removal of finance clerk in, 410.
Republican machine or "organization" in, 448.
Philanthropic institutions, need of more, 469 ff.
Philippine Islands, 41, 95, 192, 194.
Phillips, Wendell, 495.
Physical valuation of railroads, 20.
Pierce, President, 214.
"Planks" defined, 17.
"Plate" matter, 264.
Platform, characteristics of, 17–18.
committee on, 211.
Democratic and Republican, 1916, 20 ff.
differences, 1916, 47.
drafting and adoption of, 18–19, 211.
in State campaigns, 54–55.
pledges, 50–51.

Progressive, 68 ff.
significance of, 50-51.
Socialist, 90 ff.
Policy of a party, 6, 8.
Political activity, of "good" citizens, 467–468.
of office-holders, 410 ff.
Political advertisements, 283.
Political assessments, 273 ff.
prohibited under civil service act, 410.
removal at Philadelphia, for, 410.
removal at Port Huron, Mich., for, 410.
Political demands, Socialists', 95 ff.
Political Socialism, 81 ff.
Poole's Index on civil service reform, 401.
Popular election of senators, arguments for and against, 177 ff.
bibliography, 187–189.
movement for, 176 ff.
Seventeenth Amendment, 181–182.
"Popular review" of judicial decisions, 68, 499 ff.
Populist party, 73.
Platform (1892), 177.
"Pork-barrel" legislation, 557, 572.
Port Huron, Michigan, 410.
Porto Rico, 192, 194.
Post Roads, aid for, 37.
Postal service, 23.
Precinct captain, in Tammany organization, 445–446.
Pre-convention campaign for presidential nomination, 203–204.
Preferential voting, 347 ff.
arguments for, 349.
effect of, 200–201.
in primary, 158–159.
spread of, 347.
Preparedness, 28, 72, 91.
Pre-primary conventions, 156 n.
President, message of, 416–417.
nomination of, 190 ff.
power of, 94.
veto of, 542.
Presidential campaign (1908), 16; (1912), 16 n; (1916), 16 n, 48–50.
party machinery in a, 231.
publicity of contributions and expenditures in, 287 ff.
Presidential candidate, factors determining availability of, 214–215.
letter of acceptance, 53, 216.
notification of, 216.
speech of acceptance, 53, 216.
views of, 19, 52–53.
Presidential electors, 182–184.
Presidential electors at large, 183.
Presidential primary, 198 ff.
Preston, M. R., 83.
Primary, 112 ff.
call for, 113–114.
cost of, 150 n, 151 n.
distinguished from direct primary election, 113 n.
evils of, 115 ff.
participation in, 118–119.
place of holding, 115.
presidential, 198 ff.
rules governing, 117.
Principles of a party, 6, 8.
Prison reform, 43.
Private property, Socialism and, 79, 92.
Probationary appointments, 404.
"Progressive," 6, 67.
party, 67–68, 71, 72–73.
Prohibition party, 16, 73.
Proportional representation, 579–580.
Protection of American rights, 42.
Protection of citizens, 42.
Protection of the country, 28.
"Proxies," 129.
Public health, 39.
Publicity, as a remedy for gerrymanders, 578–579.
for campaign contributions and expenditures, 20, 287 ff.
Publicity laws, 287 ff, 468–469.
Publicity pamphlets, in Oregon, 262 ff, 587–588.
in other States, 263.
Public opinion, influence of, upon legislation, 555–556.

Quay machine in Pennsylvania, 434.
Questions and Topics—
ch. I, 12–13.
ch. II, 55–57.
ch. III, 101–102.
ch. IV, 120–121.
ch. V, 137–138.
ch. VI, 159–160.
ch. VII, 184–187.
ch. VIII, 220–222.
ch. IX, 252–253.
ch. X, 265–266.
ch. XI, 291–293.
ch. XII, 314–316.
ch. XIII, 359–361.
ch. XIV, 388–389.

ch. XV, 421–424.
ch. XVI, 472–474.
ch. XVII, 504–505.
ch. XVIII, 532–533.
ch. XIX, 561–563.
ch. XX, 600–602.

"Rallies," 256.
Recall, the advantages of, 490–491.
applied to the judiciary, 493 ff.
causes producing, 490.
checks upon the use of, 489–490.
defects of, 491–493.
in Oregon, 491–493.
petitions under, 486–487, 492.
procedure under, 486–488.
removal by, 486 ff.
Recall of judges, 493 ff.
arguments against, 498.
arguments in favor of, 497.
in Arizona, 496.
in California, 496.
in Oregon, 496.
President Taft on, 496.
"Recall of judicial decisions," 68, 499 ff.
in Colorado, 503.
Referendum, the, 582.
defeats good legislation, 592–593.
defined, 582.
educational value of, 587–588.
emergency measures excepted from, 584.
in Illinois, 597.
lobbying checked by, 586–587.
on nominations, 135.
optional and obligatory, 584.
procedure under, 584.
weakens legislative responsibility, 592.
Reformers, methods of, 470.
Reforms in legislative organization, 570–571.
Registration, in New Jersey, 302.
in Pennsylvania, 302.
officials in Southern States, 304, 307.
personal, 302–303.
"Regular" faction, 6.
Remedial legislation, affecting party finance, 281 ff.
Removal (from office), 484 ff.
acts of 1820, 1836, 371–372.
after 1840, 374.
different methods of, 484–486.
governor's power of, 484.
in New York, 485.
in Oregon, 485.
in South Carolina, 485.
of incompetents, 383.
President's power of, 370–371, 485.
Removals, effect of civil service reform upon, 415–416.
frequency of, 382.
recent State laws, 483 n.
"Reorganizers," in Pennsylvania, 453 n.
"Repeating," 301.
Representatives in Congress, nomination of, 165 ff.
publicity for expenditures by, 290.
restriction of expenditures by, 287.
Republican (party), campaign expenditures, 268–269.
caucus rule, 551 n.
machine in Philadelphia, 448 n.
national convention, 19, 20, 72, 191, 192, 193, 194.
platform, 17, 21 ff, 308, 400.
Republican College League, 258.
Republican National League, 258.
Responsibility of public officers, 482 ff.
Revenue (party), 268 ff.
Rhode Island, independent voting in, 335.
"Riders," 543.
"Ripper" legislation, 527–528, 545.
River and harbor legislation, 418.
Roosevelt, Theodore, 67, 270, 285, 456, 500, 501 n.
civil service reform under, 407, 411, 414, 417.
recall of judicial decisions, 499 ff.
"Rotation in office," 373.
Rules and order of business in national convention, 208–209.
Rules committee, 539–540.
Rural credits, 35.
Rural free delivery, 23, 415 n.
Russell, Charles E., 75.
Russian treaty, 1832, 42–43.

"Saddle-bags" district, 548.
Sample ballots, 345.
San Francisco, civil service reform in, 401.
Socialist vote in, 75.
Schurz, Carl, 407.
Scientific farming, 36.
Scott, General Winfield, 214.
Searchlight on Congress, 578.

Secretary of national committee, 238.
Senate, "courtesy" of, 378–379.
Senate rules, 39.
Senatorial vacancies, 181–182.
Senators (United States), arguments for popular election of, 177 ff.
bibliography on popular election, 187–189.
constitutional amendment for popular election of, 176–177, 181–182.
nomination by direct primary, 174.
nomination in legislatures, 167 ff.
objections to legislative election of, 170 ff.
objections to popular election, 179 ff.
popular election of, 20, 177 ff.
publicity for expenditures by, 290.
restriction of expenditures by, 287.
Separate elections, 337–338.
Seventeenth Amendment, 181–182.
Seventh ward women's organization, 247 ff.
"Shoe-string" district, 547.
Short ballot movement, 343 ff, 466.
Signatures to petitions, 140, 487, 492–493, 584–585.
"Snap" caucus or primary, 116.
Social Democratic party. (See Socialist party.)
Socialism, and competition, 78.
and government ownership, 79–80, 97.
and private property, 79, 92.
bibliography, 102–108.
future of, 99–101.
in trade-unions, 86–87.
negative economic creed, 77–78.
political programme of, 81–82, 95–96.
positive economic creed, 79–81.
principles of, 76 ff.
unconscious trend toward, 100–101.
United Mine Workers and, 87.
Western Federation of Miners, 87.
Socialist Labor party, 16, 82–83.
Socialist party, 16
annual dues, 85.
collective ownership, 97.
committees, 85.
delegates to national convention, 88–89.
"enrolled" members, 84–85.
future of, 99–101.
gains in 1910, 75–76.
industrial demands, 98.
"locals," 84.
national convention, 88–89.
national executive committee, 85.
national secretary, 85.
organization, 84–85.
origin, 84.
peace measures, 94.
periodicals, 86.
platform, 89, 90 ff.
political demands, 95–96.
presidential vote, 74–75.
propaganda, 85–86.
referendum, 88, 89.
resignation of officials, 89.
working program, 95.
Socialists, offices held by, 76.
on direct legislation, 585–586.
Social reforms, 69.
Social service, Tammany, 443.
South Carolina, impeachment in, 485.
Southern States in national convention, 193–194.
Speaker, the, character of, 519–520.
choice of, 519.
power of appointment, 537.
power of recognition, 538–539.
power of reference, 537.
sources of power, 520.
Speakers' bureau, 256–257.
Special interests and political machines, 463–464.
Special legislation a source of corruption, 527.
constitutional provisions against, 527.
excessive amount of, 527.
"ripper" legislation, 527–528.
Special sessions, power to call, 543 n, 544.
"Speech of acceptance," 53, 216.
"Spellbinders," 256–257.
"Split," in party, 5.
in Democratic and Republican parties, 1896, 20.
in Democratic party, 1860, 20.
Spoils of office. (See Spoils system.)
Spoils system, 367 ff.
acts of 1820 and 1836, 371–372.
attitude of public toward, 380–381.
bibliography, 389–392.

defense of, 380.
determines motives of politicians, 367–368.
effect on senators and representatives, 377–378.
essential features of, 375.
evils of, 381 ff.
Federal constitution and, 369–370.
frequency of removals, 382.
in State and municipal governments, 375–376, 379.
machine rule and, 468.
origin of, 369.
political evils of, 383 ff.
power of removal and, 370–371.
President Jackson and, 371.
relation to political machines, 447 ff.
rotation in office and, 373–374.
Whig party and, 374–375.
Standing committees, Tammany, 441.
"Stand-patters," 6.
State central committees, 195, 240 ff.
composition of, 241–242.
letter of New York, 547 n.
officers of, 242.
powers and duties of, 241–242.
State constitutions, on negro suffrage, 304 ff.
limitations on legislatures, 527, 530, 531, 570.
State conventions and senatorial aspirants, 173.
nomination of congressmen by, 166.
nomination of presidential electors by, 183.
size of, 125.
State legislatures, and senatorial elections, 170 ff.
constitutional restrictions upon, 527, 530, 531, 570.
nomination of candidates for, 124–125.
popular distrust of, 412 ff.
spoils system in, 376.
"Statement No. 1," in Oregon, 176.
"Statement No. 2," in Oregon, 176.
State nominations, bibliography, 138–139.
State offices, nominations for, 124 ff.
spoils system and, 379.
"State-wide" direct primary, 143.
Statutes, affecting caucus or primary, 121.
recognizing political parties, 11.
Stay-at-home voters, 299, 595 n.
Stephenson, Senator Isaac, 151 n.
"Still hunt" campaigns, 260.
"Straddling" planks, 18, 52.
"Strike" legislation, 559.
"Stump-speakers," 256–257.
Suffrage, two conceptions of the, 298.
Suffrage qualifications, age and residence, 300 ff.
bibliography, 316–321.
citizenship and, 298.
educational tests, 303 ff.
Fifteenth Amendment, 300.
Fourteenth Amendment, 307–308.
"grandfather clauses," 304 ff.
in Connecticut, 303.
in Maine, 304.
in Massachusetts, 304.
in Southern States, 304 ff.
in Wyoming, 304.
preliminary registration, 301.
property, 301.
regulated by State law, 300.
tax payment, 301.
Sugar trust, 288.
Sullivan, "Little Tim," 469, 472.
Sullivan, Timothy D., Association, 442.
Susan B. Anthony amendment, 311 n.

Taft, President, 52, 204, 414, 415 n, 496, 501.
Tammany Hall. (See Tammany organization.)
Tammany organization, 435 ff.
annual dues, 441–442.
auxiliary committee, 437.
charitable work of, 443 n.
county leader, 440–441.
district general committee, 435 ff.
district leaders, 438 ff.
executive committee, 444 ff.
general committee, 443.
precinct captain, 445–446.
social service, 443.
Tariff, Democratic and Republican parties on, 23–24, 49.
downward revision, 22, 53.
Republican plank in 1908, 52.
Tariff commission, 25.
Temporary chairman of national convention, 207.
Tennessee, law against contributions by corporations, 283.
Territories, 45.

"Third" parties, 65 ff.
importance of, 66–67.
"Ticket-splitting," 335.
Topics, Questions and—
ch. I, 12–13.
ch. II, 55–57.
ch. III, 101–102.
ch. IV, 120–121.
ch. V, 137–138.
ch. VI, 159–160.
ch. VII, 184–187.
ch. VIII, 220–222.
ch. IX, 252–253.
ch. X, 265–266.
ch. XI, 291–293.
ch. XII, 314–316.
ch. XIII, 359–361.
ch. XIV, 388–389.
ch. XV, 421–424.
ch. XVI, 472–474.
ch. XVII, 504–505.
ch. XVIII, 532–533.
ch. XIX, 561–563.
ch. XX, 600–602.
Trade commission, 22.
Trade-unions, Socialism in, 86–88.
Transportation, 46.
Treaty with Russia, 42.
Tweed Ring, 435.
Two-party system, 65.
Two-thirds rule, 212–213.

Underwood tariff, 49.
Unemployment, 98.
United Mine Workers, 87.
United States, Socialism in, 82 ff.
United States civil service commission, creation of, 403.
functions of, 403–404, 410, 412.
Unit rule, 212–213, 214.

Vacancies in Senate, 181–182.
Venal voters, in Adams County, Ohio, 280.
in Connecticut, 280.
in Indiana, 280.
in New York City, 280.
in Vermilion County, Illinois, 280.
Vermilion County, Illinois, 280.
Vermont, absent-voters law, 352.
Veterans, 403.
Veto, 541–542, 572, 585 n.
Vice-chairman, National Committee, 238.
Vice-President, 215.
Violence in primaries, 116.
Voters, indifference of, 118–119, 451, 595–596.
Voting population, 298.

Ward boss, social service of, 469 ff.
"Watchers," 322.
Waterways and flood control, 44.
Western Federation of Miners, 87.
West Point, 558.
Wheatland, Pennsylvania., 341.
"Who's Who" ballot, 345–346.
Wilson, President, 19, 45, 48, 50, 72, 73, 202, 204.
on nomination of President, 202.
on woman's suffrage, 313.
Winthrop, Massachusetts, 341.
Wisconsin, anti-lobbying law, 581.
civil service reform in, 419.
direct primary in, 141–142.
independent voting in, 335.
law prohibiting campaign contributions, 284.
legislative reference library, 574–575.
marking ballots in, 331.
open primary in, 141–142.
Wisconsin State Federation of Labor, 87.
Woman's suffrage, 41, 49, 310 ff.
amendments defeated, 311.
attitude of Republicans and Progressives, 313.
bibliography, 316–321.
in Congress, 312 ff.
in Illinois, 310.
in national platforms, 41, 311 ff.
progress of, 310 ff.
questions and topics on, 314–316.
States, 310.
Women voters' organizations, 246 ff.
Wyoming, educational test, 304.
independent voting in, 335.

Young Men's National Republican convention, 1832, 54.

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